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# THE STATUS OF WOMEN IN ANCIENT INDIA

A VIVID AND GRAPHIC SURVEY OF WOMEN'S POSITION—  
SOCIAL, RELIGIOUS, POLITICAL AND LEGAL,  
IN ANCIENT INDIA.

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WITH A FOREWORD  
by  
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THE  
MINERVA BOOKSHOP,  
ANARKALI, LAHORE

**FIRST PUBLISHED IN OCTOBER, 1940**

**PUBLISHED FOR THE AUTHOR BY BAL KRISHNA  
OF THE MINERVA BOOKSHOP  
ANARKALI, LAHORE.**

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**PRINTED BY D. C. NARANG AT THE H. B. PRESS,  
HOSPITAL ROAD, LAHORE.**

DEDICATED TO  
THE TEEMING MILLIONS OF MY SPEECHLESS  
INDIAN SISTERS  
WHO ARE STRUGGLING FOR EMANCIPATION  
FROM THEIR AGE-LONG OPPRESSION  
AND SUBJECTION

*INDRA*



## FOREWORD

It is exceedingly difficult to present an accurate picture of the condition of women in ancient times. Almost any theory for and against the freedom of women can be based on quotations from our ancient books and this fact has always been taken advantage of by those writers who wish to show the public one side of the medal only. But quotations torn from their context cannot give a true picture of things as they existed.

In this book the author has attempted to give a reasoned account of women's place in Hindu Society.

With changing times women's position has also changed. During the Vedic period when civilization was simple, life was lived in agricultural communities and wealth consisted of crops and cattle, woman was comparatively free and her place in the community was naturally determined by her ability to share in the work of that community.

During the Buddhist period we see the intellectual advancement of women. They occupied a very high place in the social scheme and Sanskrit literature and drama of the period are full of instances of educated Buddhist ladies. The available material shows that at this time and throughout the period of classic Sanskrit literature women in India enjoyed a status similar to the status of women in the classical periods of ancient Greece and Rome.

The poet Kalhana in his master-piece "The Rajatarangini" a history of Kashmir written in the middle of the 12th century A. C. mirrors the political and social ideas of Hindu India. We find that at this period women had already emerged from the domestic into the political stage, were free, owned immovable property, managed their estates and even fought at the head of their troops. One could go on multiplying such instances, but this is not required.

The glimpses which we get through the pages of this little book are enough to show us that women have played a noble part in the past and to encourage one to believe that in the future they may prove themselves even more worthy.

VIJAYA LAKSHMI PANDIT

ANAND BHAWAN  
Allahbad.

D/- 26-9-40.



## PREFACE

The following pages are a historical survey of the status of women in ancient India. The author has attempted to depict it *as it was*—good, bad or indifferent, although his thesis throughout has been that in the early Aryan society represented by the Vedic literature, women enjoyed a much better position—social, religious and political, than they did in the later ages of the Dharmashastras.

The scope of the work as its title suggests excludes the discussion of what the status of women *ought to be*, although the author could not help expressing his opinions and inclinations here and there for the elucidation of the subject.

As the present and future are deeply rooted in the past, the book will undoubtedly be of great value to all serious-minded students of the contemporary cultural history of India, as well as to statesmen and legislators who are busy in moulding the future of the country. It will be especially useful to my educated sisters who are fighting for the cause of their emancipation from the age-long oppression and subjection.

It is just possible that the author might not have been able to interpret India's past in an accurate manner, but he will be given at least the credit of making an honest endeavour in this direction. For his many errors of omission and commission, he is open to correction.

## PREFACE

To the many detractors of India's past, the author would say, "With all its faults, India's past was rich and glorious. Taking into consideration contemporary conditions of other countries, ancient India had nothing to be particularly ashamed of. On the contrary, she possessed a number of such bright features as would even now be a source of inspiration and light to the many so-called enlightened and advanced modern countries. Any dispassionate historian can vouchsafe the veracity of this statement."

To my educated sisters, I would say, "Our approach to many problems concerning the betterment of the status of women must be a scientific one. It is a fact that the gentler sex has a long tale of sufferings to tell. It has undoubtedly received at the hands of the other sex anything but a fair and just treatment. Yet, tearing altogether of the past will be an injudicious step. In the glamour of modernity, an indiscriminate breaking with all the hoary traditions of the country will be a very serious action fraught with dangerous consequences. So we must distinguish between good and evil that once pertained to India's past and retain the former, eschew the latter and further adopt many salutary elements of modernity as well. Thus alone, we can serve the cause which is so near and dear to our hearts."

The modern civilization has undoubtedly conferred one benefit on women, *viz.* that of *right of speech*. It has imparted voice even to the speechless millions of the down-trodden sex. Now they can ventilate their own grievances and also put up a fight for the redress thereof. In the western countries women have taken rapid strides in their general advancement,

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but all these strides have not been always in the right direction. Here then, many good things of India's past will be gratefully remembered and copied for future guidance. For instance, extreme conjugal fidelity and absence of common dissolution of nuptial ties enjoined by the ancient law-givers are some features which will evoke approbation even at the hands of unsparing critics and sceptics of the ancient Indian civilization.

The women's movement in India has to be guided quite on cautious lines. A blind imitation of the West will land us only in unthinkable moral chaos and social disruption. Let the leaders of this movement beware of the failures of the West and profit by them, reverently clinging to all that was the best and the noblest in India's past. Thus alone, foundations of a healthy, strong and sturdy womanhood can be laid in India.

In the end, the author must express his deepest gratitude to his esteemed friend Prof. Som Nath Chib, M.A. (Pb.), B A. (Cantab) for going through the manuscript and making many valuable suggestions. To Dr. Lakshman Sarup, M.A. (Pb.), D. Phil. (Oxon), head of the Sanskrit Department, the Punjab University also, he owes his sincerest thanks for the inspiration and guidance received from him for undertaking research work in the domain of the ancient Indian literature. For the many mistakes and misprints that have crept in the present edition, the responsibility is entirely of the author, who will certainly remove them in the next edition. He will welcome also further assistance for its improvement from his many helpful colleagues and collaborators in the field of knowledge.

#### PREFACE

The author is extremely thankful to Mrs. Vijaya Lakshmi Pandit, Ex-minister of U. P.—the illustrious sister of Pandit Jawahar Lal Nehru, for kindly writing a foreword for the book and her expression of appreciation for the work.

The method of transliterating Sanskrit words has not been followed in the book as it was not deemed feasible in a work which was intended also for the general readers, including young educated Indian women—who are not accustomed to reading transliterated forms of Sanskrit. The author would, therefore, crave indulgence of all Sanskritists for this inexactitude and many other literary imperfections in the work.

May the cause of Indian womanhood be served by this humble attempt of his—is the sincerest prayer of the writer of these lines.

LAHORE :  
1st October, 1940.

INDRA.

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# THE STATUS OF WOMEN IN ANCIENT INDIA

## I. THE SOCIAL STATUS

### 1. Was the status inferior?

In attempting to write the cultural history of India many a writer conveniently ignores the place occupied by women in the old ages. It is strange that half of the population is so criminally and yet so impenitently forgotten by the other half, that not even a passing mention is made about the former's social, religious, legal or political status in any serious cultural chronicle of this country. The present writer proposes, in the following pages, to study at some length, that much neglected aspect of national life in ancient India. He proposes further, to approach the subject without any particular bias, not even the so-called patriotic bias in his mind.

Almost the first question that faces us, is whether the general status of women in ancient India, was that of equality with or inferiority to the other sex?

The answer to the above question is not a straight one. There are many other considerations which intervene, before we can make any clear statement on the foregoing query. Firstly, the sources of our knowledge about the conditions prevailing in the remote, by-gone ages are very limited. Secondly, even these meagre sources have not come down to us, in an uncorrupted form. Thirdly, the entire Indian literature is so full of conflicting and contradictory matter that it is very difficult to pronounce any verdict with certainty or finality about any phenomenon belonging to the past ages. We shall, therefore, content ourselves by referring to such general data, as can help us in understanding our subject. We do not claim to be precise—in fact we cannot. Nor do we find ourselves supported enough, to build up bold theories about anything, pertaining to the hoary times of our country. All that we can say at the outset is, that we approach the subject with an open mind and a receptive spirit.

In the early Vedic ages it seems that women enjoyed equal rights with men. The wife and husband being the equal halves of one substance, were regarded equal in every respect and both took equal parts in all works religious and social. This is the very idea, forcibly expressed in book 5, hymn 10, and verse 8 of Rigveda. In

Brahmanic literature<sup>1</sup> as well, a wife has been repeatedly called as an equal associate. Thus in the dim twilight of the early Vedic period, it is possible to discern some indications of the theory of equality once subsisting between the parties to a marriage. The indications are by no means uniform as we shall show later on, yet there are grounds to believe that there did exist ideas of equality between the two sexes, even in such distant times, as are represented by the Vedic literature.<sup>2</sup> ¶

There are good many passages in Rigveda which throw an interesting side-light on the position occupied by women in ancient India. That they were not morally low creatures as they are generally held to be now, is abundantly proved by an unambiguous pronouncement :—

“ Ye, many a woman is more firm and better than the man who turns away from God and offers not.”<sup>3</sup>

Again, “ She who discerns the weak and worn, the man who thirsts and is in want, she sets her mind on the gods.”<sup>4</sup>

Shatapatha Brahman gives a high place to women by saying, that women as mothers are

1. Aitareya Brahman : “ Sakha ha jaya.”

2. ‘The Hindu Law’ by H. S. Gour, pp. 1174.

3. Rigveda, V-61-6.

4. Rigveda, V-61-7.

the best and the foremost preceptors of children.<sup>1</sup>

Vashishta Sutra improves on this idea by observing that a woman is a hundred times superior to a man in instructing and elevating a child.<sup>2</sup>

Apastamba—another law-giver of ancient India is still more emphatic in honouring the gentler sex by laying down that all must make way for a woman when she is treading a path.<sup>3</sup> About the ideal of motherhood he has many noble sentiments to express that a mother does very many acts for her son, therefore he must constantly serve her though she be fallen.<sup>4</sup>

That women were objects of respect even in ages following the Vedic period can be inferred from references in the Dharma Shastras, which are really a store-house of much useful information on the subject. This important branch of the Sanskrit literature was composed

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1. Matriman pitriman acharyayan purusho ved.
2. Vashishta Sutra, XIII—48.
3. Apastamba, II—5—11—7.
4. *Ibid*, I—10—48—9.

In II—145 Manu lays down that an Acharya (meaning a spiritual preceptor) exceedeth ten Uupadhyayas (meaning an ordinary teacher) in the claim to honour; a father exceedeth a hundred Acharyas; but a mother exceedeth a thousand fathers in the right to reverence and in the function of educator.

in explanation of the preceding Sutras—which were epitomes of short aphorisms or laws practically regulating the spiritual and mundane affairs of the early Aryans.

Of these Dharma Shastras, Manu has been held in the greatest esteem. Manu is still regarded as the highest authority on matters, relating to the principles and practices of the orthodox Hinduism. It reflects to a certain extent, the real conditions and usages which obtained in the post-Vedic India. The law-giver has many a good word to say about the woman-folk, side by side with his deprecatory remarks to which we shall allude later. Here we shall confine ourselves to referring to those passages only, which are calculated to throw some light on the bright aspect of woman's life in ancient India.

Manu unequivocally assigns to women the status of presiding deities in the houses. According to him, between wives who are destined to bear children, who secure many blessings, who are worthy of worship and irradiate their dwellings and between the goddesses of fortune who reside in the houses of men, there is no difference whatsoever.<sup>1</sup> He further adds that where the female relations live in grief, the family soon

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<sup>1</sup> 1. Manu IX—26.

wholly perishes ; the family where they are not unhappy ever prospers.<sup>1</sup>

He lays still more emphasis on the honouring of women by declaring in one of his too well-known verses, unambiguously, that where women are honoured there the gods are pleased, but where they are not honoured, no sacred rite yields any reward.<sup>2</sup>

The same sentiments have been given expression to, by various other writers of Dharma Shastras in different forms. Yajnavalkya, for instance, extols women so much as to call them embodiments of all divine virtues on the earth. They have been said to be gifted by gods with their respective qualities. Soma is supposed to have bestowed all his purity on women. They have been endowed with sweetness of speech by Gandharva. Fire—another god—is assumed to have showered all his brilliance to make them the most attractive and the most honoured in the world.<sup>3</sup>

In the Epic literature these lofty ideals do not seem to be quite extinct. They have been repeated time and again in that grandest of the epics—the Mahabharata.<sup>4</sup> It enjoins on all, to honour

1. Manu, III—57.

2. *Ibid.*, III—56.

3. Yajnavalkya Smriti, I—71.

4. Mahabharata, Anushasan Parva, 46—16;

women because the virtues of men depend on women and because all pleasures and enjoyments also entirely depend on them.

Further, women are said to be the deities of prosperity. The persons who desire affluence should honour them. By cherishing woman one cherishes the goddess of prosperity herself and by afflicting her, one is said to pain the goddess of prosperity. In another place the same idea is developed in a still clearer form by laying down that women ought to be looked after carefully, as they are worthy of regard, virtuous, full of noble qualities and are bright adornment to the house and are in fact synonymous with the prosperity of the house.

Women are held by the Mahabharata not only as the centres of domestic life but also the pivots of the entire social organism. On them depends the future of a country. "The begetting of children," says a verse of the great Epic, "the nursing of children already born and the accomplishment of all deeds necessary for the needs of society—all these have women for their cause." Man is therefore required to bend his will before that of his wife and to serve her and to adore her.

Thus we may safely infer from the foregoing data that the place of women in the Epic-ages was that of honour and respect.

That women were capable of high moral attainments, is conspicuously proved by the wonderful power of forbearance displayed by Droupadi towards Ashvatthama, who had killed her five sons. Asked by her husbands, whether the perpetrator of the heinous crime should be immediately despatched to the darkest regions of hell, she with all the nobility of an Aryan woman replies, "No, let not Goutami, his mother and the devoted wife of her late husband, weep for the loss of her son as I am weeping for my sons at present".<sup>1</sup>

Sita—another Aryan woman mentioned in the Epic-literature evokes sentiments of profound respect and reverence in every Hindu heart. She is the typical embodiment of all womanly virtues. Valmiki, again and again, extols her to heights unknown to the modern world.

Sita—the devoted consort of Rama—who was like the ocean in gravity and mountain in patience was the high-souled lady who always followed him like his shadow.<sup>2</sup> Exiled in Ravana's Ashoka grove, beautiful though unadorned, she looked like tragedy incarnate, reverence outraged, hope disappointed, worship deprived of her dues, affulgence darkened—a cold tongue of fire.<sup>3</sup>

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1. Bhagavata Skandha, I—VII—47

2. Ramayana, I—73.

3. *Ibid*, V—19.

About her chastity the God of fire himself assured Rama that the great lady was protected by her own inner fire and that Ravana could not overcome her, just as the ocean could not exceed her limit.

The banishment of Sita after the fire-ordeal is indeed the greatest blot on Rama's character. Some say, that it was dictated purely by a desire to sacrifice his personal happiness for the welfare of his subjects, deeply convinced though he was, of the immaculate chastity of his spouse. But this is merely a lame excuse. It was cruel on Rama's part to banish so sweet an image of innocence. Was he right ? Decidedly not. Nothing on earth can vindicate Rama's character in this respect. To send to exile a guiltless, chaste, devoted wife on the chance reflection of a man in the street, is the most atrocious and unpardonable crime that any one, not to say of Rama himself, could commit. Even the poetic genius of Bhavabhuti who, otherwise, has most appropriately sung his great glories has not been able to rescue Rama from the eternal ignominy in which he has been involved by this one act of crowning folly.

But this is a digression. We are mainly concerned here with that pattern of chastity, modesty and nobility—Sita, who is likened by

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1. Ramayana, VI—120.

the sage-writer himself to the 'dazzling tongue of fire and the brilliant ray of sun'. In fact, while perusing the interesting character of Sita, we feel ushered into the presence of a rare nature, free so far as is humanly possible, from the grossness of the flesh, one habitually dwelling in the pure empyrean whence all great souls draw their inspiration.

\* \* \* \* \*

But there is the other side of the medal too. Now turn we must, from the bright aspect of the question to the dark one. Though it is a very unpleasant experience to come down from the heights of lofty ideals to the low levels of grim realities, yet we must with fairness record all that was the true state of affairs in ancient India.

It appears that the deterioration of the status of women did not begin from any specific point of time. The traces of such degeneration can be found in all periods of Indian history, though in the later ages, degradation is much more marked and still more rapid.

We find even in the early stages of civilization represented by the Vedic literature, indications which go to prove the existence of a school of thought which held women not only in disrespect but even in positive hatred. Rigveda, in many places, gives expression to

ideas of disbelief in the destiny of women. They are held to be weak-minded and unworthy of being trusted. "Indra himself hath said", thus proceeds the verse of a Vedic hymn, "that the mind of woman brooks not discipline, her intellect hath little weight".<sup>1</sup> In a conversation with the royal sage Pururava, Urvashi herself confesses about the nature of her own sex, that with women there can be no lasting friendship and that hearts of hyenas are the hearts of women.<sup>2</sup>

Prof. Ludwig finds even traces of abduction of woman in the early Vedic ages and bases his contention on a few verses in the Rigveda. In one of them Indra is praised as one "who gives the wives we seek."<sup>3</sup> In another he is still more loudly admired by saying, "there is naught else better than thou art Indra ; Even to the wifeless hast thou given spouses".<sup>4</sup> Again the learned Professor believes that women in the Vedic times were treated even as prizes of war. After a victory, women were forcibly abducted and distributed as articles of booty. For this belief of his, the learned scholar finds support in a verse of Rigveda which indicates that a stately

1. Rigveda, VIII—3—17.

2. *Ibid.*, X—95—15.

3. *Ibid.*, IV—17—16.

4. *Ibid.*, V—31—2.

woman is led forth to the victor's camp adorned with ornaments of gold.<sup>1</sup>

But to us, the interpretations on which the foregoing opinions are formed do not seem to be final and hence we are not prepared to endorse them and draw any definite conclusion. To this much, however we agree, that women were treated as possessions or property even in the Vedic ages. This can be inferred from a very clear verse in which Indra is said "to have taken and possessed all castles as one common husband doth his spouses".<sup>2</sup> The same idea has been developed further by the authors of legal and epic literature. Manu enumerating things which a man must possess includes women as one of the things of possession.<sup>3</sup> Yajnavalkya—another renowned law-giver advises never to entrust three things to the control of others, i. e., riches, books and women; for, he adds, they are spoiled and defiled by them.<sup>4</sup> Bhishma, the great preceptor of the Mahabharata times, also implements the same idea still further by declaring that "according to the injunctions of scriptures the husband should regard the wife as an acquisition due to his own pristine deeds or to what has been ordained by God." In another

1. Rigveda, VIII—46—33;

2. *Ibid.*, VII—26—91. 3. *Manu*, II—240.

4. *Yajnavalkya*, III—205.

place he has classed women with riches and every other possession or property which are coveted by thieves.<sup>1</sup>

'That women were gradually losing their place of honour and becoming mere means of satisfying man's physical desires can be clearly seen by frequent references in the Vedic and the post-Vedic literature. A husband in an Atharva—hymn proclaims that his wife has been given to him by God to serve him and to secure progeny. He further calls her as his Poshya, or a dependent.<sup>2</sup> In the succeeding ages also, women seem to have been only the means of enjoyment.' They are supposed by the Upanishadas, to have been born for appeasing man's instinct of pleasure. According to one of these holy books, man, being alone in the beginning of the universe did not find any joy in his life. He longed for some companion. He got one in the shape of his wife who gratified all his desires and secured for him all pleasures.<sup>3</sup>

In the later ages of Dharma Shastras<sup>4</sup> the status of women seems to have declined to an appalling extent. They appear to have lost all their ancient grace and place of honour. All

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1. Mahabharata Anushasan Parva, 44—27.

2. Atharva, XIV—1—52.

3. Brihadaranyak, 1—4.

4. It is not easy to determine the period of these

sorts of indignities and insults are heaped on them indiscriminately. The Mahabharata and other works of epic ages too, do not seem to have lagged behind in vilifying and disgracing the fair name of womanhood.

Here we now proceed to cite a number of passages from the afore-mentioned literature which will abundantly prove the validity of remarks made by us in the preceding paragraph. We hold that women were being treated as mere chattels and therefore unworthy of any serious consideration. Manu generally regards them as morally low creatures.

He says :—

“ It is the nature of the woman to seduce men in this world, for that reason the wise are never unguarded in the company of the females.”<sup>1</sup>

“ For women are able to lead astray in this world even a learned man and make him a slave of desires and anger. ”<sup>2</sup>

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Dharma Shastras. They are perhaps the first attempt of the Aryans at scientific codification of the accepted customary laws prevailing in the society. European scholars think that they are post-Buddhistic, i. e., subsequent to 500 B. C. Hindus however claim a greater antiquity for them. The truth lies perhaps between the two extremes. The originals of these codes were pre-Buddhistic, but the codes as they stand are post-Buddhistic compilations.

1. *Manu*, II—211. 2. *Ibid.*, II—214.

" When creating them, Manu allotted to women a love of their bed, of their seat and of ornaments, impure desire, wrath, dishonesty, malice and bad conduct. For women no sacramental rite is performed with sacred texts, thus the law is settled. Women are destitute of strength and destitute of the knowledge of Vedic texts and are as impure as falsehood itself. That is a fixed rule.<sup>1</sup>

This is indeed a very harsh and unbearable indictment of women—an indictment which cannot be justified by any code of morality.

Mahabharata is still more outspoken in condemning women ruthlessly and holding their sex in utter disrespect and infamy. Thus the great Epic proceeds to empty the vials of its righteous indignation over the poor creatures.<sup>2</sup>

" There is nothing that is more sinful than woman. Verily women are the roots of all evil."

" Fire is never satiated with fuel. Ocean can never be filled with water that the rivers bring to it. The destroyer is never satiated with killing even all living creatures. Likewise women are never satiated with men."

" The destroyer, the god of wind, death, the nether regions, 'the equine mouth that roves

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1. Manu, IX—17, 18.

2. Mahabharata Anushasan 38—12, 25, 29.

through the ocean vomiting ceaseless flames of fire, the sharpness of the razor, the dreadful poisons, the snakes and the fire—all these exist in a state of union in women."

How horrible a description and how disgraceful. Yudhishtira—that saint-monarch of the epic age has also nothing but contempt for the nature of woman. Says he:—

" That science of policy which the preceptor of the Asuras knew, that science of policy which the preceptor of the celestials knew—is not deeper or more subtle than what is woman's intelligence."<sup>1</sup>

He adds further, " it appears to me that Brihaspati and other great thinkers evolved the science of policy from observation of the understanding of women."<sup>2</sup>

Bhishma corroborates the idea of woman's wickedness in a still clearer form. His discourses are full of fierce attacks on the gentler sex. Says he:—

" There is no creature more sinful than woman. Woman is burning fire. She is the illusion that Daitya Maya created. She is the sharp edge of the razor. She is fire. She is verily all these in a body."<sup>3</sup>

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1.	Mahabharata	Anushasan Parva,	39—8.
2.	<i>Ibid</i>	,	39—40.
3.	<i>Ibid</i>	,	43—22.

"Women O King, are fierce. They are gifted with fierce powers. They have none whom they love or like, so much as them that have sexual intercourse with them."<sup>1</sup>

"Women are like those Atharva mantras which destroy life. Even after they have consented to live with one, they are prepared to leave him, joining others. They are never satisfied with one person of the opposite sex."<sup>2</sup>

"Men should not love them, nor should they cherish any jealousy on account of them. Only for the sake of virtue men should enjoy their society, not with enthusiasm or attachment but with unwillingness or absence of attachment. By acting otherwise a man is sure to meet with destruction."<sup>3</sup>

An amusing theory about the object of the creation of women is advanced by Mahabharata, that the celestials afraid of all men's being gods in course of natural progress and improvement felt alarmed and approached Grandfather who knowing what was in their mind created women with the help of Atharvan rites, to cause the fall of men. Thus women were believed to have been born only to bring out the downfall of humanity. They were generally thought

1.	Mahabharata Anushasan Parva,	43—23.
2.	<i>Ibid</i>	23 43—24.
3.	<i>Ibid</i>	23 43—25—26.

to be fickle and inconstant—having no moral stamina in them. Through their passion for men, through their mutable temper, through their natural heartlessness, they become disloyal towards their husband, however carefully they might be guarded in the world.<sup>1</sup>

Even Ramayana otherwise so full of noble ideals, does not entertain very high regard for the person of woman. The disposition of women according to this Epic, is very subtle from the beginning of the universe. They are said to be as whimsical as the leaves of a lotus flower, as sharp as the edges of a sword and as unsettled as the blast of a storm.<sup>2</sup> The same sentiments have found expression in the later Epic-literature which in fact has made the lot of women still more miserable. 'The faces of women', thus goes a verse, "are like flowers,

1. Manu, IX—15. It is strange that an analogous theory with regard to womanhood is expressed in the Christian scriptures. According to Genesis, Miss Hecker points out in her book 'A short history of woman's rights' (pp. 10) that woman is the cause of fall of mankind. St. James held that all evils spring from woman. St. Augustine argued that man was made in the image of God, but not so woman. He adds, 'A woman is not permitted to have dominion over her husband, nor can she be a witness, nor give security nor act in court.'

2. Ramayana Aranya Kanda, XIII—5, 6. . .

their words are like the drops of honey and their hearts like sharp razors, the interior of them no one can know." Again, "There is none whom a woman sincerely loves. She for serving her purpose does not hesitate to kill even her husband, children or brothers." The same has been repeated in another place wherein women are compared to tigers merciless, cruel and degenerate.<sup>1</sup>

Shukra—another renowned writer of the post-epic ages also does not spare women. He holds them inherently weak and instinctively given to vice. According to one of his injunctions the following eight vices are innate in the female sex, *i. e.*, falsehood, inconstancy, deceitfulness, stupidity, greediness, impurity, cruelty and insolence.<sup>2</sup> Chanakya—the famous author of Artha Shastra does not hesitate from sanctioning corporal punishment for women. In his opinion three beats with a bamboo bark or with a rope or with the palm of the hand may be given on the lips of a woman for fault committed by her.<sup>3</sup> In this, he is supported by Manu himself, according to whom a wife, a son, a slave, a pupil and a younger brother of the full blood, who have committed faults may be beaten

1. Bhagavata Skandha, VI—41, 42 and IX—14—36.

2. Shukra, III—163. 3. Artha Shastra, III—3—59.

with a rope or a split bamboo.<sup>1</sup> Shukra, to whom we have just made a reference, however, does not approve of the practice of awarding bodily punishment to women beyond the age of twelve.<sup>2</sup> Mahabharata is also considerate towards them and disallows hurting of a woman in the war. But Ramayana does not make any exception for women. They might even be killed if they prove dangerous to the society. Shakra killed Manthara—a woman who wished to devour the whole earth. So did Kavyamata, another woman meet the same fate at the hand of Vishnu, for she wanted the world to be sleepless. Rama was also persuaded on the same grounds to put an end to the life of Taraka a fiendish woman, who obstructed the performance of sacred rites in the hermitages.<sup>3</sup>

We prefer not to stop here to judge whether the practice of killing women—however guilty—was justified or not and leave it to the reader himself to form his own opinion in the matter. By a correct understanding of the implications of the above practice he can draw his own inference about the status enjoyed by women in ancient India.

Before closing our remarks on the sub-

1. Manu, VII—299. 2. Shukra, III—164.

3. Ramayana, 25—17.

ject, we should like to make a passing mention of one more common characteristic of national life in the old ages. We allude to the birth of a female child. The advent of a daughter in the family was not an occasion for rejoicing but rather for general gloom and depression. A verse of the Atharva Veda rightly echoes the general desire for the birth of a son and not of a daughter. "The birth of a girl, grant it elsewhere, here grant a boy."<sup>1</sup> In a prayer to Pinga God it is fervently sought that He may 'preserve the babe at birth and make not the boy a female child.'<sup>2</sup> The same prayer has been repeated in another form in which a husband asks for the birth of a male child to his wife.<sup>3</sup> And male children, it is again prayed, be followed by male offspring only and never by female progeny<sup>4</sup>.

The Aitareya Brahman<sup>5</sup> also lays down that daughters are the cause of misery. In an interesting legend of Shunashepa, the sage Narada discourses on the importance of having a son, before Harishchandra in the following words :—

"In him a father pays a debt.  
And reaches immortality.

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1. Atharva, VI—2—3. 2. *Ibid*, VIII—6—25.
3. *Ibid*, VI—91—10. 4. *Ibid*, III—23—3.
5. Aitareya Brahman, VIII—31—1.

When he beholds contenance  
Of a son born to him alive."<sup>11</sup>

But about the female issue he has only to say, " his daughter causes him pity."

It appears that a boy was preferred to a girl because he would always remain with his parents, continue the family line, offer oblations to the names of ancestors for their spiritual benefit, be a support to his parents in their old age and helplessness and add luster and glory to the good name of the family by noble and brilliant achievements. But these things could not be expected of a girl, for whom a substantial dowry had to be found on the occasion of her marriage, who had to be maintained in case of her husband's poverty or death and who in the event of her remaining unmarried, had to be provided for, by the apportionment to her, of a share of the ancestral property and sedulously guarded against going astray.

It is therefore not surprising that the birth of a girl in the family did not cause much rejoicing and she was put aside while the boy was lifted up by parents with expressions of joy.

Zimar, a Vedic scholar, has inferred from

1. Macdonell, "History of Sanskrit literature",  
pp. 208.

a passage in Katha-ka-Sanhita (XXVII-a), that girl-infants were exposed to die. But Bohtlingk, another European Orientalist, rightly objects to the interpretation of the text on which the above inference has been founded. Says he, "The passage refers merely to laying the child aside, but not exposing it, while the boy was lifted up." And the traditional rendering of the passage is not that it refers to exposure, but to getting rid of a daughter on marriage. Macdonell and Keith, two reputed scholars of the Vedic literature—also approve of this interpretation in the famous treatise entitled, "Vedic Index."<sup>1</sup>

We cannot close these observations better than by citing the conclusions reached by Dr. Abinasha Chandra Das—the eminent

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1. Vedic Index, I—325. In "Vedic Religion" (pp. 165) Rev. K. S. Macdonell opines :—

"Indeed daughters are conspicuous in the Rig-veda by their absence. We meet in hymns with prayers for sons and grandsons, male offspring, male descendants and male issues and occasionally for wives, but never for daughters. Even forgiveness is asked as in IV—12—5 for 'our sons and grandsons.' The reward of what has been well-done, but no blessing is ever prayed for a daughter. When Agni is born it is 'as if it was a male infant.' They clap their hands and make sounds of rejoicing like the parents of new born son. There were no such rejoicing over the birth of a daughter."

Indian writer on the Rigvedic culture. To him we are much indebted for many ideas, bearing on the subject. His clear and unprejudiced exposition of the conditions prevailing in ancient India, throws a flood of light on the status and position occupied by women in the by-gone ages. Says he :<sup>1</sup>

" Women captured in war from rival clans or otherwise forced to matrimonial connections, were necessarily kept in subjection and treated more like chattels than human beings. They were virtually treated as slaves over whose life and liberty their husbands had complete control. This was the lowest form of marriage—if it could be called by that name at all. Even at such later times as the age of the Epics—we find Droupadi the royal consort of the five Pandavas—pawned by Yudhishtira in a game of dice which he played with Shakuni. The Kurus for whom the game was won, forcibly brought out the queen from her royal apartment and subjected her to a series of inhuman insults and indignities that made the blood of her royal husbands boil. But they were utterly demoralised and could not raise their voice—nor even their little finger—in protest because for sooth, they had lost in the game."

1. Rigvedic Culture, pp. 105-6.

" Even Rama—the ideal hero has been made by Valmiki to say that he would fain give away his royal inheritance and even his wife and all that he valued—to Bharata, of his own free accord, without being requested by any body; how much more ready and willing would he therefore be to do the same thing if commanded by his father, the King himself " (Ramayana II—19—714). How could Rama give away his own wife to another man, be he brother or a stranger, unless he was perfectly conscious of the fact that he had complete control over her life and liberty " ?

" These incidents and sentiments were undoubtedly the relics of a by-gone barbarous age when a wife was regarded no better than a chattel."

" Whether wives used to be pawned in the games of dice of which the Rigvedic Aryans were exceedingly fond is not clear from the perusal of Rigveda, but certain verses (Rv. X—34—2, 4) may be made to bear an interpretation like that. In one verse the gambler laments that he had to abandon a wife who was not only beautiful and loving but highly serviceable to him and his friends. In another verse he says that when love of gambling gets the better of his reason, other persons lay their hands on his wife."

"Whatever be the real import of these passages there can be no doubt that in the very early stages of civilization, the position of the wife as a rule was scarcely better than that of a slave. No wonder, therefore, that she entertained scarcely any love or good feelings towards her husband and often went astray and proved faithless—giving occasion for the expression of such uncomplimentary sentiments as the following: "Woman's love is never stable and her heart is like that of a hyena (Rv.—X—95—15)."

"It was only when woman came to be treated with respect and was allowed freedom in making the choice of her husband—that society made real progress towards civilization. The Rigveda reveals a stage showing that Aryan women, at any rate of the higher and better classes, enjoyed equal freedom with men in all matters, social and religious. It was this feeling of equality and freedom that evoked the highest virtues of the Aryan womanhood and lifted society to a high state of culture."

## CHAPTER II.

### WOMAN IN THE HOUSEHOLD.

The home, in ancient India, was a perfectly human institution. It was a living organism every part of which was vital and fully conscious of the other part. Its unity and solidarity was unique—no incidental wave of disintegration or disruption could ever disturb it. For ages, this wonderful institution exercised a very healthy influence over all aspects of national and corporate life. In this pattern of vitality and unity, woman filled, by no means, a place of insignificance. Here in this sphere at least, she enjoyed, abundance of honour, affection and sympathy.

In the Rigvedic time we find the home well established, with the father as patriarch, possessing complete control over the household, where the centre was primarily the woman—the very embodiment of that great moral and spiritual force that ultimately worked itself out in the creation and development of modern civilized society.

It was the renowned sage Vishvamitra who realized the moral and the spiritual force of woman, thousands of years ago, and ecsta-

tically declared, 'Jayedastam' i. e., the wife is the home (3-53-4) and no body has spoken a greater truth since those remarkable and memorable words were uttered.

The wife was verily the home<sup>1</sup> and woman the main spring of those human activities that uplifted the race from its savage condition. The ancient Aryans never looked upon woman as the cause of human downfall—as she was later supposed to be. On the other hand the important part that she played in advancing human civilization was fully appreciated and recognized.

The very creation of the universe was ascribed by the Aryans to the union of Prakriti and Purusha—'nature beneath and will or Power above' (X-129-5). Woman is Prakriti and Man is Purusha and union of these two has created the home and made the world what it is to-day.

Thus, wife was regarded an indispensable member of the family without whom, the consummation of human life was not possible. It was generally made imperative on all for the proper discharge of their duties—spiritual and

1. Shatapatha XII-8-2-6. According to Shatapatha Brahman, the proper place for woman is the home. Therefore they should be respected in all matters of the household. (गृहे वै पत्नीं प्रतिष्ठाः)

earthly—to marry and to have progeny. The necessity of a female partner was so great that the scriptures allowed man to remarry at once after the death of his wife—else he could not perform any religious rite.

✓ According to ancient ideals, the wife is the half of man and hence as long as he does not obtain her, so long is he not regenerated, for so long is he incomplete.<sup>1</sup> This idea has been well preserved even so late as in the Epic literature which clearly lays down that a man's half is his wife, therefore she is called *Ardhangini*. The wife is her husband's best of friends. The wife is the source of *dharma*, *artha* and *Kama*. The wife is the source of salvation.<sup>2</sup> Again, 'those that have wives can perform religious act; those that have led domestic lives, those that have wives, can be happy and those that have wives can achieve good fortune.'<sup>3</sup>

The Mahabharata does not indulge in any exaggeration when it goes to the extent of saying that 'the sweet-speeched wives are their husbands' friends on the occasion of joy. They are as fathers on occasion of religious acts. They are as mothers in the

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1. Shatapatha Brahman, V—2—1—10.

2. Mahabharata Adiparva, 74—40.

3. *Ibid*, Adiparva, 74—42.

hours of illness and woe."<sup>1</sup> Indeed in the domestic life, woman used to be supreme. In regulating activities in the home, her word was to be final. Immediately after her marriage she is instructed to "go to the house to be a mistress there."<sup>2</sup> She is further asked to bear full sway over her husband's father, mother and brothers and sisters.<sup>3</sup> She is again and again addressed as the queen of the house—who rules over all the members of the family as ocean rules over all the rivers of the world.<sup>4</sup> In another verse of Rigveda she, after being blessed with happiness and prosperity, is asked to look after the affairs of the house and to guard its interests as sedulously as possible.<sup>5</sup>

From the preceding references, it is abundantly plain that in the Vedic India, women occupied a very proud position in the household. They were not merely slaves of their lords as they decidedly became in the later ages. To them were entrusted the heavy responsibilities and duties of maintaining good order in the family.<sup>1</sup> All the component parts of the house owed their systematic working to the central authority—the wife,

1. Mahabharata Adi Parva, 74—43.

2. Rigveda, X—85—26. 3. Ibid, X—85—46.

4. Rigveda XIV—1—43. 5. Rigveda, X—85—27.

who never failed to make her presence felt. In fact, she was the very "axis" on which the wheel of household-life in ancient India turned.<sup>1</sup>

If we compare the above position of an Indian woman with that of her sister in the ancient history of any western country, we have every reason to keep our heads erect with just pride about the loftiness and grandeur of our hoary civilization.

Under the laws of Rome, the son and the wife were classed not as a person but as a thing in the family of *pater familias*, over whom, the latter exercised absolute jurisdiction of life, and death.

If the wife was seduced by another, the action maintainable against the seducer was not that of adultery but one for theft. As both the son and the daughter occupied the position of a chattel, they could not marry without their parents' consent.

A Roman marriage differed from a Hindu marriage in that the contracting parties in the one case were the husband and wife while the husband and wife play no part at all in a Hindu marriage, which is arranged for them by their parents.

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In Greece, the wife looked after and performed other menial offices ; in Rome, the wife was somewhat free from those obligations, but still her position was not that of a mistress. The position of the Hindu wife in the household was certainly more that of a *domina* than that of a dependent.

We may again quote here at some length the passages from the Mahabharata which will conclusively elucidate the point that the place of women in the household was that of honour and respect and that as wives they enjoyed not only the rights of equality but even the privilege of superiority :—

“ Her father and brothers and father-in-law and husband's brothers should show her every respect and adore her with ornaments, if they be desirous of reaping benefit, for such conduct on their part always produces considerable happiness and advantage.”<sup>1</sup>

“ If the wife does not like her husband or fails to please him from such dislike or absence of joy, the husband can never have children for increasing his family.”<sup>2</sup>

“ Women O King, should always be adored and treated with honour. There the very gods are said to be propitiated, where

women are treated with respect,"<sup>1</sup> "Those houses which are cursed by women meet with destruction and ruin, as if scorched by some Atharvan rites. Such houses lose their splendour. Their growth and prosperity ceases."<sup>2</sup>

"By respecting women, man is sure to acquire the fruition of all his objects."<sup>3</sup>

The inference that in the household women were treated with honour and due consideration, is also supported by those two erudite scholars—Macdonell and Keith. "The poetical ideal of the family," proceed the distinguished professors, "was undoubtedly high (Rv.—VIII—31—5. 6) and we have no reason to doubt that it was often fulfilled. Moreover the wife on her marriage was at once given an honoured position in the house, she is emphatically mistress of her husband's house, exercising authority over her father-in-law, her husband's brother and his unmarried sisters. No doubt the case contemplated is one, in which the eldest son of a family has become the head owing to the decrepitude of the parents, his (*The Vedic Index I* pp. 484, 5) wife then taking the place of the mistress of the joint family, while the brothers and sisters are still unmarried.

1. *Mahabharata Anushasan Parva* XVI—5.
2. *Ibid* XVI—6.
3. *Ibid* " XVI—"

It is not inconsistent with the great stress elsewhere (Rv. VIII—6—24) laid on the respect due to a father-in-law who then is probably regarded as still in possession of his faculties and controls the house while his son continues to live with him. The respect would no doubt equally apply if the son had set up a separate family of his own.”<sup>1</sup>

Now a few words may also be said about the duties and responsibilities which a wife in the household generally used to perform. A rough idea of her daily programme, can be formed from a few passages in Rigveda which will throw as well an interesting side-light on the status allotted to the fair sex.

A woman in ancient India was regarded as an excellent housewife, who rose early with the dawn and roused all from sleep and sent the servants about their respective business.<sup>2</sup> She at once applied herself to the performance of her household duties—dusting, sweeping, and washing the floor that admitted of washing and cleansing the cooking pots and utensils. She

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1. Vedic Index, I—pp. 485—6.

In ‘Vedic religion’ Prof. Macdonell also writes (pp. 158):—“The normal household had one husband and one wife on a level of equality; at the hearth which was the altar of sacrifices, the wife had charge of sacred vessels, prepared the sacrifice and even sometimes composed the hymns”.

2. Rigveda, I—124—4.

bathed early and offered jointly with her husband the morning oblations to the sacred household-fire, the Lord of the house. Another oblation was offered in the midday and a third in the evening.

Her first and foremost duty was to keep the sacred flames burning. As soon as the cows were milked and milk brought home in pails, she stirred it over the fire, churned some of it for butter and proceeded to prepare the meals of the day. The young daughters took charge of the little ones and duly fed and nursed them. After mid-day meal she attended to her toilet, dressed herself and the children neatly.<sup>1</sup> Often she had male and female servants under her, whom she employed in their respective duties and treated kindly.<sup>2</sup>

She also looked after the cows and other domestic animals and supervised the works entrusted to her.<sup>3</sup> She, occasionally, accompanied by other women, rambled about and climbed the hills to pluck flowers.<sup>4</sup> She was dutiful to her husband's parents, affectionate to her husband's brothers and sisters, and devotedly attached to her lord who was never slow in reciprocating her sentiments.<sup>5</sup> {

The conception of an ideal housewife is still

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1. Rigveda, I—123—11.	2. <i>Ibid</i> , X—85—43.
3. <i>Ibid</i> , X—85—44.	4. <i>Ibid</i> , I—56—2.
5. <i>Ibid</i> , X—85—46.	

more advanced in the epic literature. But we have every reason to believe that this conception was hardly translated in actual practice and it does not in any way reflect the real conditions prevailing in those ages. However, we feel persuaded to record it, only to give a faint idea of the existing beliefs and notions, about ideal womanhood.

Thus in the Anushasan Parva<sup>1</sup> of the great Epic :—

“Gifted with a good disposition, endued with sweet speech, sweet conduct and sweet features and always looking at the face of her husband and deriving as much joy from it as she does from looking at the face of her child, that chaste woman who regulates her deeds by observing the prescribed restraints—comes to be, considered as truly righteous in her conduct. Listening to the duties of married life and performing all those sacred duties, that woman who considers virtue as the foremost of all objects of pursuits, who observes the same vows which are observed by her husband, who adorned with chastity looks upon her husband as a god, who waits upon and serves him as if he is a god, who surrenders her own will completely to that of her husband’s—who is cheerful, who observes excellent vows, who is

gifted with good features and whose heart is completely devoted to her husband inasmuch as she never thinks even of any other man, is considered as truly righteous in conduct. That wife who, even when addressed harshly and looked upon with angry eyes by her husband, appears cheerful to him, is said to be truly devoted to her husband. She who does not cast her eyes upon the moon or the sun or a tree that has a masculine name, who is worshipped by her husband and who is gifted with beautiful features, is considered to be truly righteous lady. The woman who treats her husband with the affection which one shows towards her child, even when he happens to be poor or diseased or weak or worn out with the toil of travelling, is considered to be as truly righteous in her conduct."

Shukracharya<sup>1</sup>, a post-epic authority on the subject, records the real conditions and describes the duties that a woman in the household was to perform. Thus, she was required to rise earlier than her husband and after performing toilet she changed her night dress. Then she smeared the floor of the house with cow-dung and cleansed the vessels of the daily sacrifice and the kitchen. The utensils were washed with hot water. After having done these minor

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1. Shukra, IV 4-6, 7, 14.

things she daily bowed before her father-in-law and mother-in-law and then put on the clothes which were given by her husband or father or other relations. She was further required to follow her husband like the shadow of a tree and always be at his command like a slave. She was to take meals when her husband had taken them. She was to spend the whole day in considering matter entirely related to the house and was particularly to be attentive to the needs and desires of her lord—always subordinating her own comforts and convenience to his.

The above uncharitable remarks about women in the Sanskrit literature have led many an English scholar to believe that the status occupied by women was far from being honourable. Says Dr. Barnett in his 'Antiquities of India' (pp. 109), "Women *per se*, however did not rank high in the eyes of the law which laid down as a principle that a woman is for all her life in tutelage, first to her father, then to her husband and lastly to her son. A wife who bore only daughters or no children at all could be superseded by her husband marrying another woman, who then took precedence of her. Even under the most favourable conditions, the nuptial bed was not one of roses for the wife. She was expected to show

her devotion to her husband by the most humble and minute services, preparing all the meals of the household, eating the food left by her husband and sons, washing the kitchen vessels, smearing the floors with burnt cow-dung and respectfully embracing her lord's feet at bed time."

The foregoing strong views expressed by the learned doctor are perhaps an overstatement but by no means, without some foundation. In fact, they are substantially true. Manu—the highest authority on social matters concedes to women only a place of dependence in the household. According to him a woman must be kept in subordination, day and night, by the males of the family<sup>1</sup>. Not only a girl or a young woman but even an aged one is not to do anything independently even in her own house<sup>2</sup>. For it is again emphasised that a woman's father protects her in childhood, her husband protects her in youth and her sons protect her in old age, she is never fit for independence<sup>3</sup>.

1. *Manu*, IX—2      2. *Ibid*, V—147.

3. *Ibid*, V—148. Also Narada writes "Through independence woman goes to ruin, though she be born in a noble family. Therefore the lord of creatures ordained dependence on them" (XIII—30).

The perpetual tutelage is however explained by some as nothing more than a control or supervision over the morals of women, by those versed in the sacred

In household affairs she is so much subservient to her husband that her very individuality is submerged in that of her lord's. A wife has been compared to a river and a husband to an ocean<sup>1</sup>. After reaching the latter the former completely loses its separate entity. The qualities of a wife are said to be identical with those of the husband. She falls or rises with the fall or rise of her male associate. It is said that Akshamala a woman of the lowest birth being united to Vashishta and Sarangi being united to Mandapala became worthy of honour<sup>2</sup>. Thus they attained eminence in the work by the respective good qualities of their husband.

For guarding and controlling women, an interesting expedient has been devised by Manu that 'the husband should employ his wife in the collection and expenditure of wealth, in keeping everything clean, in the fulfilment of

scriptures and who are by reason of such training supposed to possess virtue and self-control. Thus a woman during the several guardianships at different periods of her life is restrained from the doing of something—*Akarya karanat*—as Mitakshara puts it, and not that there is any restraint on her in respect of the observance of what is commanded by the Shastras. ('Position of Women,' pp. 41 by Dr. Dwarkanath.)

religious duties, in the preparation of his food and looking after the household utensils."<sup>1</sup>

The idea of the subordination of woman in the household is supported by Yajnavalkya also who lays down that a woman should never be separated from her male protectors.<sup>2</sup> Mahabharata echoes the same sentiments in the Anushasan Parva by observing that 'a woman, at no period of her life, is free'. Again the great Epic gives expression to its profound belief in the subservience of women by saying that, "Manu on the eve of his departure from the world made over women to the care and protection of men, for they are weak and that they fall an easy prey to evils."<sup>3</sup> Shukra generally holds women to be false

1. Manu, IX—11.	2. Yajnavalkya—III—86.
3. Mahabharata Anushasan Parva,	XLVI—14—7.
4. <i>Ibid</i>	<i>Ibid.</i> XLVI—14—2.

When Bhishma is asked by bewailing Draupadi as to the right of her husband Yudhistara to pawn her in the game of dice when he himself was no longer a free man, having been lost to Shakuni, the royal sage is faced with anigmatic bewilderment and hesitatingly concedes to Yudhistara the right of pawning Draupadi in as much as she being his wife was perpetually subordinate to him even after he had been vanquished. A fully packed house of ministers, preceptors, sages and law-givers also gave its tacit consent to Bhishma's utterance and witnessed the molestation of an Aryan lady who but for the divine miracle stood completely senseless at the

and treacherous. He instructs a husband never to trust his wife in a matter of dispute without testing her words by his own direct observation.<sup>1</sup> However, these remarks of Shukra are insignificant in comparison with the greatly objectionable remarks about the female sex which disfigure some of the chapters of Anushasan Parva.

The subject is introduced in this way: The great sage Narada, in order to gain an insight into female nature approaches courtezan Pancha Shura who after pretending reluctance to besmirch the fair fame of her own sex, lets herself go with vengeance and her delineation as explained by the gloss of the commentator Nilakantha is so obscene in some parts that it is impossible to quote it. Suffice it to say that it rivals the most depraved methods of sensuality practised in the last days of the Roman Empire or in the modern countries of western civilization<sup>2</sup>.

Lest we console ourselves with the thought that nothing better could be expected

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imbecility of her elders and resigned herself to the justice of her Lord. Needless to say that man's injustice to woman was indemnified by the merciful God in His strange manner.

1. Shukra, III-163.

2. "Throughout her life," says a woman writer discussing the position of her sex in the days of Rome's supre-

of a hardened sinner like Pancha Shura, in the next chapter, Yudhishtara is made to say very uncomplimentary things about the female sex and his considered opinion is that 'their virtue is a mere tradition.' This is confirmed in the following chapter by no less a personage than Bhishma himself who observes that women were virtuous in ages long past, and tells the story of Ruchi—the wife of the sage Deva Sharma who was long pursued by the god Indra with foul designs but without success, thanks to the vigilant watch, maintained by the sage's pupil who did not hesitate to cast the previous record of this lustful god in his teeth much to his discomfiture and did his best to save her from being licked up by the King of the gods as mischievous dog licks up the butter deposited at the sacrifice.<sup>1</sup>

However Bhishma in the end is charitable

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macy, "a woman was supposed to remain absolutely under the power of father, husband or guardian and to do nothing without their consent. In ancient times this authority was so great that the father and husband could after calling a family council put the woman to death without public trial. The reason that women were so subjected to guardianship was on account of their unsteadiness of character, the wickedness of the sex and their ignorance of the legal matters."

Eugene Hecker "A short history of woman's rights with special reference to England and U. S. A.", pp. 2.

1. Mahabharata Anushasan Parva Ch. 46.

enough to say that both kinds of women, virtuous and unchaste, are to be found in the world and then follow some verses full of dignified respect for the sex—which are more in consonance with the spotless character of the great hero who had led the pure life of celibacy in order that the sons of his step-mother might not be deprived of the throne.

'This mighty earth', pronounces the great royal sage, "is upheld by the great virtue of chaste women—the mothers of the people. They should be respected, adorned and protected—the gods delight to dwell where they are treated with respect; and where they are disregarded, all religious observances come to naught. Prosperity is synonymous with women—a house which is accursed of women does not shine nor increases in prosperity; but loses all loveliness.' But the above excellent remarks are followed by the enunciation of the old Roman doctrine which relegates woman to a perpetual state of pupilage'.<sup>1</sup> This doctrine, it will be observed, has been, at first, expounded in Manu—where the good and bad points of the gentler sex are described in detail. And it is clear from the perusal of other Dharma Shastras as well, that in the post-epic ages, the place allotted to women, in the household, was that of

subordination and her voice, though supreme in ordinary domestic affairs, was of secondary importance in matters vitally affecting the whole family. The reason for the dependence and subservience is mentioned by Asahya—a commentator on Narada Smriti, who observes that the Lord of creatures has ordained women to be dependent because they have no right to study the Shastras and consequently lack the knowledge to decide between right and wrong, between Dharma and Adharma, since such discrimination is derived only from the study of the Shastras. Thus we can understand that in the early Vedic age when women could be initiated in the sacred lore their position was not one of subordination and their rights were equal to those of men, but with the withdrawal of that right their general status was lowered. Really the incompetency of women to study the Vedic lore levelled them to the inferior status of Shudras, who also were debarred from performing any sacrificial act. This is also the reason why in numerous metrical texts of the Smritis and Epics, Stri and Shudra are generally classed together in one category.<sup>1</sup>

There is one thing more to which we should like to refer here, in the end, that the Hindu Law was most one-sided and unfair

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1. Institutes of Narada by Dr. Jolly, pp. 1806.

towards women regarding conjugal fidelity. Even in this delicate matter women were left cruelly alone and in a state of utter helplessness. While no faithfulness was required on the part of a husband who could keep openly as many concubines as he liked without any detriment to his marital rights, the slightest unfaithfulness on the part of a wife was severely punished. Says Manu :—

“Though unobservant of approved usage or enamoured of another woman or devoid of good qualities, yet a husband must certainly, be revered as a god by a virtuous wife.”

But the slightest unfaithfulness could deprive a woman of her conjugal right—including the right of maintenance. A husband however depraved, decrepit and destitute, was to be worshipped by women as a god ; but a wife, on the least pretext, could be put to severe social ostracism though not actually forsaken. The common sense as well as the sense of fair-play requires that the rules of constancy and faithfulness—if they were held to be good—ought to have been held uniformly good on either side. It is simply adding insult to injury, to render the already weaker sex still more incapacitated in the eyes of law, and thus make it absolutely dependent on and subservient to the sterner sex.

It is these unjust and inhuman rules that seem to have made the lot of women unbearable. The subordination of women in the household appears to have gone to such proportions as to allow husbands to have complete mastery over their persons and even to permit their sale. ~~There are indications in some Dharmashastras which go to prove the fact that at certain stages of the Indian civilization women could be bought and sold like ordinary movable and immovable property.~~ Says Narada in chapter 12, verse 53 of his Dharmashastra :—

"The issue of these women who have been purchased for a price—belongs to the begetter but when nothing has been paid for a woman, his off-spring belong to her legitimate husband."

The Asura form of marriage among the ancient Hindus was nothing but a sale of the daughter by the father. According to Mahabharata the practice of sale and purchase of daughter has been known to human beings for a long time. But it goes to the credit of the royal sage Bhishma, that he disapproves of the practice by laying down that 'no one should bestow his daughter upon any person by sale. A wife should never be purchased. Nor should a father sell her daughter.'

Manu also is not uncharitable in this respect. He unequivocally denounces the usage of

giving daughter for a price. 'Even a Shudra,' says he, 'ought not to take a nuptial fee when he gives away his daughter, for who takes a fee, sells his daughter covering the transaction by another name. Neither ancients nor moderns who were good men have done such a deed. Nor have we heard in former creation of such a thing as the covert sale of a daughter for a fixed price--called a nuptial fee. Therefore no father who knows the law must take even the smallest gratuity for his daughter, for a man who through avarice takes a gratuity is seller of his off-spring.'

Notwithstanding the above sympathetic observations made by Manu, we have every reason to believe that his general attitude towards women was one of respectful distrust and reverent disbelief. He, most certainly, treated them as caged birds in the household and regarded them as unworthy of sharing the serious responsibilities of man. In his opinion women were ornaments of the house--who were to be kept safe and looked after with utmost care and vigilance. The only duties that they had to discharge were confined to the four-walls of the house. Even in this limited sphere woman was not an absolute mistress as she certainly was in the Vedic

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1. Manu, IX-100.

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2. *Ibid.*, III-51.

times, but a mere dependent always subordinate to the male members of the family. This is what was the position of women in the household.

## CHAPTER III

### THE PRACTICE OF PRE-PUBESCENT MARRIAGES.

One more proof of the subservience of women in the household is supplied by the practice of pre-pubescent marriages in the by-gone India. Not only girls of tender ages had no occasion to have any say in so vital a matter as their own marriages but even their mothers had absolutely no right of determining the fate of their daughters. Everything was to be pre-arranged by the male members of the family and only a formal approval of the female members was thought to be necessary. And besides a daughter was *given*—the givers being father, grand-father, brother, other male guardians and mother. In the absence of the former, the latter was authorised to give the daughter.<sup>1</sup> Thus the maidens of a family were entirely under the control of their male relations; the mother controlled them only when all the male members had pre-deceased her. That women were subservient to men even in the matter of deciding their own or their daughters' marriage is a sad commentary

on the sense of justice displayed by the ancient Aryans.

✓ In early Vedic ages, represented especially by Rigveda, however, we do not find positive evidence of the existence of the practice of pre-pubescent marriages. That women had the right of the choice of their own husbands (Rv. X—27—12) allows us to believe that the marriages in the early Vedic India were transacted when maidens were generally in mature years. There is mention of even such girls in Rigveda<sup>1</sup> as married very late and stayed for long in their parents' home. They were known as *Amujas*. Thus we can safely infer that at least Samhita ages were free from the obnoxious custom of pre-pubescent marriages. It was therefore on very rare occasions that a girl was married before she had reached womanhood. She must be fully developed physically and intellectually in her father's home (*Pitrishadam vyaktam*) before, the marriage could even be thought of<sup>2</sup>. Surya the daughter of Surya-god was given away to Soma in marriage, only when she became youthful and yearned for a husband.<sup>3</sup> The verse says

1. Rigveda, I—117—7 and X—19—3.

Sulabha, a Kshatriya girl in the court of Janaka did not marry even till the end of her life and adopted Sanyas Ashram in pursuit of her spiritual ideals. (Vide Mahabharata Shanti Parva Ch. 320).

2. Rigveda, X—85—21. 3. Ibid, X—85—9.

that 'the father of Surya gave her in marriage when she herself longed for a husband.' Sayana commenting on the above verse explains the words "*Patye Shamsanti*" as one 'who had reached full puberty.' Ghosha, the lady-Rishi married when she nearly passed her youth.

From a study of the Vedic marital rituals it appears that the marriage had to be consummated at the earliest on the fourth night after the ceremony and this would not have been possible if the bride was not a youthful lady. Infant marriage was, therefore, uncommon though probably not entirely unknown in the Vedic times.

In this connection the following remarks of Professors Macdonell and Keith, will be found apposite.<sup>1</sup> "Marriage in the early Vedic texts appears essentially as a union of two persons of full development. This is shown by the numerous references to unmarried girls who grew old in the house of their father (Rv. II—17—7 & X—39—3). It is in the succeeding ages represented by the Sutra literature that we find the marriage of infant girls to have come into vogue. Mention of child-wives occurs regularly in the Sutra period, though it is still uncertain, to what extent the rule of marriage before puberty then obtained. The marriage

<sup>1</sup> *Vedic Index*, pp. 474,5.

rituals at least do not indicate that the marriage was merely nominal and not real. Their essential features, *i. e.* the taking of the bride to her husband's house and ensuing cohabitation which could be performed when the bride had reached full puberty, lead us to believe that the child marriages were uncommon even in the Sutra ages."

The overwhelming nature of direct evidence in the Sutra literature, however, does not leave us in uncertainty. From the body of references quoted below we cannot but conclude that the practice of pre-pubescent marriages had gained firm footing in the society of the ages following the Vedic period.

There is a discussion in some Sutras (*vide* Gobhila Grihya Sutra 3, 4—6) as to the proper marriageable age of girls and Gobhila is of the opinion that infant girls only should be married. Gobhila's son also justifies his father's preference for a *Nagnika*—or infant girl. Gautama in his Dharama Sutra is also of the same opinion. All the Smritis from Manu downwards enjoin the necessity of marrying girls before puberty.

Parashara who is regarded as an authority for the Kali age also supports the marriage of infant girls. Gautama, to whom we have just made a reference, in very clear language declares that a girl should be given in marriage

before she attains the age of puberty.<sup>1</sup> He goes even further and explicitly says, that a girl ought to be married before she wears clothes.<sup>2</sup>

As regards Manu, it goes without saying, that he too is emphatically in favour of marrying girls at a tender age. According to him, "A daughter should be given for marriage at the *proper time*. A father is reprehensible who gives not his daughter for marriage at the proper time".<sup>3</sup>

But what is the *proper time*? This is made clear by Manu himself, who in another place enjoins with the least ambiguity that 'a man aged thirty years shall marry a maiden of twelve who pleases him—or a man of twenty-four, a girl eight years of age. If the performance of his duties would otherwise be impeded, he must marry even sooner'.<sup>4</sup>

Medhatithi and Kuluka commenting on the above verse point out that it is not intended by Manu to lay down a hard and fast rule but merely to give instances of suitable ages. If the performance of a man's duties requires, i.e. if he has finished his studentship earlier, then he can marry at once in order to be able to fulfil his duties as a householder.

Kuluka further observes that generally

<sup>1</sup> 1. *Gautama*, XVIII—21. 2. *Ibid*, XVIII—23.

<sup>3</sup> *Manu*, IX—4. 4. *Ibid*, IX—94.

Vedas were finished after the age of 25 or 30 and hence after that age, men married.<sup>1</sup> Undoubtedly in the case of men the age somewhere between the 24th and the 30th was regarded as the proper age of marriage. This contention is further supported by the mention of time for entering household life after finishing studentship. Manu<sup>2</sup> himself lays down that having dwelt with a teacher, during the fourth part of man's life a person should live during the second quarter of his existence in his house after he has wedded a wife. The man's age was generally supposed, in the Vedic and post-Vedic literature, to be one hundred years.<sup>3</sup> The one-fourth of man's age is worked up at twenty-five years in this manner—indeed a very appropriate time, from all considerations, for entering the second stage of life and accepting all the onerous responsibilities and duties of a household career.

But the cruelty of the law-giver is that he does not forbid early marriages in the case of girls. They are to be married at the tender age of 8 or 12 or even earlier if so required by the duties of man—her husband. Woman's age too has been calculated in the Vedic literature as one hundred years<sup>4</sup> but in her case the formula

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1. *Kuluka* on the above verse. 2. *Manu*, IV—1.

3. *Rigveda*, I—30—3. *Ibid*, VIII—2—8.

4. *Atharva Veda*, IV—1—52.

of the one-fourth age has not been worked up. The reason is quite transparent that women were treated as merely means of satisfying the sexual instinct of man and were positively barred from pursuing higher studies. They were generally thought unfit for higher and nobler attainments. The only purpose of their life was begetting progeny for their lords who were pleased the more, the more their wives begot offspring. Hence the precious time of woman's life, during which the female organs were capable of bearing children—could not be wasted in studies or other higher pursuits and the sooner a girl was married the better it was generally held to be.

A daughter must be married at the *proper time*, is the emphatic behest of all our ancient law-givers. The proper time according to Yajnavalkya is the appearance of menses. The more a father delays in giving his daughter after the appearance of menses the greater he becomes guilty of the heinous crime of *Bhruna hatya*, *i. e.* causing the death of a child in the womb.<sup>1</sup> Parashara also expresses the same idea in a still more horrible form by declaring that a father who does not marry his daughter at the age of twelve, drinks the very blood of her menses every month.<sup>2</sup>

1. Yajnavalkya, I-64. 2. Parashara, VII-7.

But Manu has not been very superstitious in this matter. He allows a period of three years after the appearance of menses for the proper selection of a husband for a girl,<sup>1</sup> but if a distinguished, handsome suitor be available she may even be married before she has attained the proper age.<sup>2</sup> On the other hand, "if no appropriate match is available forthwith, then a maiden, though marriageable, should rather stay in the father's house until death than that she should ever be given to a man destitute of good qualities".<sup>3</sup>

✓ From the above data it is quite manifest that the primary consideration at the time of a girl's marriage was not her age, or the age of the suitor but only the general fitness of the latter. According to *Mitakshara*—the famous gloss on *Yajnavalkya Smriti*, the main consideration must be that the bride is younger and shorter in size than the bridegroom. *Brihaspati*, a famous law-giver, lays down the condition that if the age of man at the time of marriage be thirty, or twenty-one, then the age of the girl should be ten or seven respectively. The *Vishnu Purana* approves of the same idea and declares that the age of a maiden should be one-third of that of a man.

Among the matrimonial rules inculcated by

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1. Manu, 'IX—90.	2. <i>Ibid</i> , IX—88.
3. <i>Ibid</i> , IX—89.	

Bhishma for the benefit of Yudhishthira, is one which runs as follows : " When a girl has attained maturity, O wise king, she should be given away in marriage".<sup>1</sup> This injunction of Mahabharata may commend itself to all right-thinking minds in modern times, but when we learn the great epic's conception of *attaining maturity* then we cannot help disapproving of the above injunction. Says Mahabharata, in another place :—

" A person of thirty years of age should marry a girl of ten years of age—or a person of one and twenty years of age should marry a girl of seven years of age".<sup>2</sup>

This moral precept closely follows the teachings of Manu to which we have already referred. It seems that the epic blindly copied the laws promulgated by the preceding Dharma Shastra. It never questioned their propriety or legality but adopted them credulously because " what Manu prescribed was the best of medicines".<sup>3</sup> Kautilya reflects the condition of a society which at least morally, was much more degenerate. Women had certainly lost the place of honour to which they were entitled in the early Vedic organization. The author of Artha Shastra<sup>4</sup> goes one step forward in punishing

<sup>1</sup> Mahabharata Anushasan, Ch. XIV. 2. *Ibid*, Ch. 44.

<sup>2</sup> Artha Shastra, III<sup>41</sup> 9.

those parents who do not marry their daughters at the proper time. Says he :—

“ Parents, retaining daughters in their homes after seven menses, are said to lose authority over them. They should marry them ordinarily when menses appear.”

“ No man, who has a connection with a maiden that has passed seven menses and has not yet succeeded in marrying her though she has been betrothed to him, shall either be guilty or pay any compensation to her father. For her father has lost authority over her in consequence of having deprived her so long of the result of her menses.”

It appears that the desire for progeny was so strong among ancient Aryans that they thought the time of a youthful girl, as lost, if she did not utilize it for bringing forth offspring which she could. Except in the Vedic literature there are very rare references which go to prove that women were thought to be capable of spending their time upto maturity, in pursuit of higher and nobler attainments. It is only in a non-religious treatise, a book on medicine, that we for the first time meet with a clear, cogent statement, that “ a girl ought not to be married before she has attained the age of sixteen. If ever a girl below that age bears any child—it dies in the very womb. If anon it is born, it does

not live long, if a son lives long, it does so with maimed and crippled limbs."<sup>1</sup>

Now, as regards the causes which led to the practice of pre-pubescent marriages, we have to say only a few words. The Hindu Law treated marriages as a *Samskara* and as such a religious rite. It naturally regarded the male as marrying and the female as merely married to. Dharma Shastras treat a daughter as the subject of a gift by her father to the bridegroom, called *Kanya Dana*.

Thus, Hindu marriage being a sacramental ceremony every twice-born Hindu, desirous of entering the householder's estate was entitled to contract a marriage, irrespective of his age, constitution and poverty. Every man had a right to marry and such right was not affected by infancy. There was practically no age limit. A boy of any age therefore could marry a girl of any age.

Besides, the device of infant marriages was suggested as a curb on incontinence. In the early Vedic India, marriages were contracted after courtship and were ordinarily dictated by

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1. Sushruta Sharirasthan, Ch. X—47, 48.

This authority is also contradicted by many, who explain the passage as enjoining the age for the ceremony of *garbhadhan*, which is distinct from that of *vivah* or marriage which according to Sushruta must be performed in the case of girls at the age of twelve, *vide* Sharira X—53.

mutual love. But with the admixture of races, the multiplication of castes, their iron exclusiveness and decay of morals, the only check to curb the growing desire for license among young men and women was to give them no chance of having a will of their own. Hence the convention that a girl *must* be married before she attains puberty. In this respect the usage outran even the Smritis so far that while the latter enjoins marriage before puberty, usage favoured marriages even of infants aged two or three and even before they were born. In Gautama's time this tendency was growing, for while enjoining the marriage of all girls before they attained puberty he adds, "some declare that a girl shall be given in marriage before she wears clothes."<sup>1</sup> Vashishta, another law-giver, remarks on the above that "out of the fear of the appearance of menses let the father marry his daughter while she still runs about naked."<sup>2</sup>

This supposed fear had so completely got hold of the otherwise most rational intellects of our ancient law-givers that every one of them enjoins the necessity of marrying girls in their infancy. Says Vyasa<sup>3</sup>, in his Dharma Shastra that "the sin incidental to an act of procuring abortion is committed, if through the negligence

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1. Gautama Sutra, XVIII—5—23.

2. Vashishta, XVI—70. 3. Vyasa, II—7.

of her giver a girl menstruates before her marriage. He, who does not give away a daughter in marriage before she attains her puberty, becomes degraded." Yama,<sup>1</sup> another authority on social matters, also proceeds in the same strain : " The father who gives away in marriage his daughter, after she has attained the twelveth year, drinks her menstrual blood month after month." He is further supported by a widely recognized personality—Vishnu,<sup>2</sup> who conclusively pronounces that, " an unmarried girl—who menstruates, living in father's or mother's house should be regarded as a degraded woman ; a man commits no sin by carrying her away from the custody of her guardian."

It is strange that almost all the Dharmashastras are agreed on the point that the proper time of marrying a girl is when she is still in her infancy.<sup>3</sup> We, on our part, refrain from com-

1. Yama, III—22.

2. Vishnu, XXIV—41.

3. Sita—the illustrious wife of Shri Rama appears to have been married at the tender age of six (*vide* Padma Purana 'Shadvarsham atha Maithlim). This is also supported by the confession of Sita herself before Ravana, when he came to her as a disguised ascetic to kidnap her, that her age was eighteen and she had lived in the house of Ikshvaku, her parents-in-law, for twelve years (*vide* Rāmāyanā Aranya Kanda 47—11 and 57—4), अष्टादश द्वि वर्षाणि, मम जन्मनि अष्टा ॥ and उपित्रा द्वादश सप्ता, इक्ष्वाक्षणो निवेशने ॥

menting on the wisdom of early Aryans in sanctioning the practice of pre-pubescent marriages. There might have been some hidden purpose behind the practice, which we at so distant a time, may not be able to discern.<sup>1</sup>

Some suggest that there were anthropological reasons for infant marriages in ancient India. The early Aryans resorted to this practice, as they were anxious to increase their man-power, so essential for not infrequent wars at that time. Others say that economic considerations weighed with the early Aryans, who in pursuit of their wealth-getting activities wanted more helping hands which they procured by sanctioning the practice of pre-pubescent marriages in their society.

## CHAPER IV

### MONOGAMY OR POLYGAMY ?

We now proceed to discuss another important question which, considered in all its diverse aspects, is calculated to throw a flood of light on the position held by women in the social system of ancient India. We refer of course to the practice of polygamy which we must in fairness admit, was much in vogue in the Vedic and post-vedic ages. It is indeed a matter of surprise that with the unfortunate legacy of other evil practices and usages, India has somehow or other, not inherited the practice of polygamy. How this strange phenomenon is to be accounted for—is something beyond the scope of our present investigation. This much however we may point out that the disappearance of the unwanted practice has not been gradual but somewhat sudden. The rapid political and economic transformations have much to answer for the peculiar abruptness with which the practice has left India—perhaps for good.

As to the origin of the practice, ethnologists feel baffled to trace it with any degree of certainty. It is, however, acknowledged by the generality of scholars that the practice is as old as the man himself. In some dark, impenetrable ~~time~~ of pre-historic ages the practice seems

to have found its way in the human society. It appears further that even in the earliest stages of civilization women were regarded as mere chattels, who could be had in any number by men after the conquest of a territory and enjoyed as other articles of booty. The victors generally seized women of the vanquished side and distributed them among themselves for enjoyment and pleasure. Whether the seized women were regularly married or kept as concubines only, is not very certain. But there are indications of promiscuous intercourses which are common in the animal-world. The existence of polygamy or promiscuous marriages undoubtedly prove the low status which was allotted to women in the earliest ages. That a man could marry as many women as he pleased, is surely an index of the degenerated state of the society.

Another motive which generally prompted men to take to the practice of polygamy was their insatiable desire for progeny. Indeed since the purpose of marriage was the procreation of a son to relieve the father from the torments of hell, it was thought that the purpose may not often be served if monogamy were the rule. Hence a man was given full liberty to have as many wives, as he thought, satisfied his need.

As usual, the Vedic ages were somewhat less fallen in this respect than the later ages. Monogamy seems to be the general rule, at least in the ancient Rigvedic society<sup>1</sup>, though polygamy also is not entirely unknown. We cite below a number of passages from Rigveda in which the word *Jaya* or wife has been invariably used in singular number—an indication which certainly goes to corroborate the inference that the monogamy was the general practice:—

“Surely men crave and gain their wish. Close to her husband clings the *wife*”<sup>2</sup> “Dawn like a loving *matron* for her husband, smiling and well attired, unmasks her beauty.”<sup>3</sup>

“This shrine have we made ready for thy coming O Agni, as the fond *dame* attires for her husband.”<sup>4</sup>

The entire hymn 85 of the 10th book of Rigveda is a discourse on monogamous marriage

1. Rev. K. S. Macdonald observes in “Vedic Religion” (pp. 157) : “In Vedic times we have every reason to believe that our Aryan forefathers generally practised monogamy or marriage in its true primal conception and intention as instituted in paradise as the permanent union of one woman to one man. In one of the hymns, the inseparable duality of two of the Aryan gods is set forth under the comparison of birds that usually run as couple such as husband and wife.”

2. Rigveda, I—105—2. 3. *Ibid*, I—124—7.

4. *Ibid*, IV—3—2.

between Soma and Surya, the daughter of sun-god. The very words *Damipati*<sup>1</sup> and *Jayapati*<sup>2</sup> occurring so often in the Vedic literature prove that the fundamental conception of marriage was monogamous and not polygamous.

There are no doubt numerous indications<sup>3</sup> of polygamy also in the Rigveda but all of them generally carry a sense of disapproval. In one place a doubly wedded man is compared to a car-horse between two poles who is pressed closely on both the sides.<sup>4</sup> Thus a man with two wives was supposed to be in a state of perpetual embarrassment. In another place a man smitten with anxieties is made to exclaim 'O Shata Kratu, biting cares devour me as rival wives (*Sapatinis*) enclosing ribs, oppress me from every side—or as rats devour the weaver's thread.'<sup>5</sup>

The plurality of wives was never thought to contribute to the happiness of domestic life. We find an entire hymn devoted to the loathsome fulminations of a jealous wife, who is enraged with a more favoured rival of hers. Says she in a fit of fierce indignation :—

" From out the earth, I dig this plant—an herb of most effectual power wherewith one

1. *Regveda*, X—85—32. 2. *Ibid.*, XIV—2—11.

3. *Ibid.*, I—62—11. 4. *Ibid.*, VII—18—2,

5. *Ibid.*, I—105—8.

quells the rival wife and gains the husband for one's self for ever ;"<sup>1</sup>

" O plant, blow thou the rival wife away and make my husband only mine "?<sup>2</sup>

" Her very name I utter not, she takes no pleasure in this man—my husband. Far into distance most remote, drive the . rival wife away,"<sup>3</sup>

From the above account it is pretty certain that the practice of polygamy—though it did exist in the Vedic India—was looked upon as something deserving condemnation. At least it was never openly approved of, though it was generally tolerated, under the stress of circumstances.

Besides, it may be stated here that the practice was limited to the aristocratic classes only, who often took pleasure in breaking away from the path which was trodden by the common people. Thus the king of gods—Indra is said to have taken and possessed spouses like so many castles;<sup>4</sup> Again he is mentioned as dwelling among his wives.<sup>4</sup> Indeed the practice appears to have been prevalent among nobles and kings only, but not in the middle classes which represented the best culture of the com-

1. Rigveda, X—145—1.

2. *Ibid.*, X—145—2.

3. *Ibid.*, X—145—4.

4. *Ibid.*, VII—26—3.

5. *Ibid.*, X—145—2.

munity. The conclusion is further supported by the surviving relics of the same practice, so prominent even in the present day aristocracy of India. Dr. Barnett also arrives at the same conclusion in his "Antiquities of India" and observes "Monogamy alleviated by concubinage, seems to have been the general practice in Vedic times, but aristocratic families were often polygamous and unashamed and the example spread. The warrior heroes had several wives, one being the *Mahishi* or the senior queen".

Dr. Shastri<sup>2</sup> however differs from the above inference, holding that polygamy was too common in all classes of the people in ancient India, even so common that promiscuity among women, had become a necessary evil. He in his "Evolution of Indian Polity" bases his views on the hypothesis that the Aryan society in ancient India was maternal or matriarchal rather than paternal and patriarchal. Words such as Daityas, sons of Diti, Vainateyas, sons of Vinata, Kadraveyas, sons of Kadru, Anjaneyas, sons of Anjana, Jabala, son of Jabala and Jaratkara, son of Jaratkara, are taken as indications of the uncertainty of the real begetter and the unsettled condition of the society which rendered promiscuity among women a consequent evil.

1. 'Antiquities of India' pp. 113, 114.

2. Shastri, "Evolution of Indian polity" pp. 2.

But Dr. Das<sup>1</sup> opines that some of the names selected in the above statement belong to non-Aryan tribes, e.g. Vinata, Kadru, Anjana, etc. and cannot be cited to prove that the matriarchal form of family existed in the Aryan society. Besides the matriarchal form does not necessarily prove that promiscuity among women or even polygamy was the general rule. The association of mothers' names with those of sons might have been dictated by simple sentiments of reverence towards motherhood.

Had polygamy been a general practice in the Vedic India, we would not have found echoes of monogamous spirit in the succeeding ages, represented by the Sutra literature. Thus the rule of Apastamba :—

'If a man has a *Dharmapatni* and she has born him a son, he must restrain from further indulgence in matrimony'.<sup>2</sup>

Again, 'if he has a wife who is willing and able to perform her share of the religious duties and who bears sons—he shall not take the second'.<sup>3</sup>

Thus under two exceptional conditions only the practice of polygamy was approved, i. e., if the previous wives could not beget sons and

1. Dr. Das, "The Rigvedic Culture."

2. Apastamba, II—11—2. cited in "Antiquities of India", pp. 114. 3. *Apastamba*, II—5—11.

secondly if they could not perform religious sacrifices due to some incapacity in them.

However the practice went on spreading and it became a very common feature of the social system in the later ages. Even Brahmanas and Upnishadas also do not seem to be quite immune from the traces of the practice. In Aitareya, a prince named Harishchandra is mentioned, who had one hundred wives<sup>1</sup>. In Brihadaranyak Upanishada, the famous sage Yajnavalkya is said to have had two wives, Maitreyi and Katyayani by names. The former was a Brahmavadini, devoted to the study of theology, the latter was Striprajna, versed in matters peculiar to women—matters related to the domestic management we may suppose, so that the philosopher's home life at least, we may fancy, was not disturbed hopelessly, by conflicting interests and rivalries—the usual outcomes of the practice of polygamy.<sup>2</sup>

In the ages of Dharmashastras, the practice seems to have planted itself more firmly. With the decline in respect for women, the very ideals of marriage seem to have changed. They no longer treated the person of woman, with the same sanctity which they still bestow-

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1. Aitareya Brahman, VII—3

2. Brihadaranyak, IV—1

ed on the other sex. Man had certainly gained but woman had lost tremendously. She was no longer an equal partner—but a very inferior entity—much worse than even a slave. She was now an object, as a piece of land or an animal, who could be permitted by Narada for common enjoyment.<sup>1</sup> The sole purpose of the creation of women was declared by the same law-giver in the following words :—

“Women have been created for the sake of propagation—the wife being the field and the husband the giver of seed. The field must be given to him who has seeds. He who has no seed is unworthy to possess the field.”<sup>2</sup>

It appears, in the time of Manu, the practice of polygamy was not only not held in contempt, but actually treated as a privilege reserved for the twice-born classes. And in this matter, a Brahman was regarded as the most fortunate to keep as many as four wives, one being from his own caste and the rest from the remaining three castes. Likewise a Kshatriya could marry three wives—one from his own caste and the rest from the succeeding two castes. Similarly a Vaishya was entitled to two wives one belonging to the Vaishya caste and the other to the Shudra caste. A Shudra was allowed to

1. Narada cited by Mayukha, pp. 119.

2. Ibid., cited in 'Hindu Law' by Dr. Gour.

marry only one wife and therefore to lead a perfectly monogamous life.<sup>1</sup>

Yajnavalkya also, legalises the practice by laying down that the first and chief wife should be of the husband's own rank, but she may be supplemented by other wives from the lower castes in due succession, so that a Shudra can have only one consort.<sup>2</sup> Vishnu—another law-giver also allows a Brahman to take four wives in the direct order of the four castes.<sup>3</sup> Thus polygamy seems to have assumed a religious garb in the period following the Vedic ages and appears to have been quite in vogue not only amongst the aristocratic classes but even among the common people.

In Manu, we come across, a peculiar technical term '*Adhivedana*' which in plain English means supersession. The practice of supersession implies that a wife may in certain cases be deprived of her conjugal rights, they being transferred to another married wife. Though it was not sanctioned that a man should disown, desert or divorce the previous wife, yet the lot of a superseded wife was very miserable. She in the very home of her living husband was, to all intents and purposes, treated as a widow. This usage was worse than polygamy

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1. Manu, III—12. 2. Yajnavalkya, III—57.

3. Vishnu, XXIV—1.

itself by which every wife with her co-wife enjoyed equal status.

Thus the law-giver lays down the rule, 'A barren wife may be superseded in the 8th year, she whose children all die in the 10th year, she who bears only daughters in the eleventh year, but she who is quarrelsome without delay.'<sup>1</sup> But the severity of the above dictum is somewhat alleviated by the wise addition that 'a sick wife who is kind to her husband and virtuous in her conduct, may be superseded only with her own consent and must never be disgraced'.<sup>2</sup>

Yajnavalkya also concedes the right of supersession to man, in case his wife drinks spirituous liquors, is sick, is hypocritical, is barren or is of wasteful habits and is quarrelsome and also if she always produces daughters. 'But such a wife is by all means to be protected by her husband.' Thus on the flimsy ground of some supposed defect in his wife, a man could marry a second or a third or a fourth wife without being liable to any social condemnation.

It may here be observed that while Apastamba limited polygamy to four wives for a Brahman, three for a Kshatriya, two for a Vaishya and only one for a Shudra, Gautama improves further on Apastamba by reducing a

1. *Mantu*, IX-781.

2. *Ibid*, IX-

Brahman's allowance only to three, a Kshatriya's to two and by restricting one wife each for a Vaishya and a Shudra.<sup>1</sup>

According to Mahabharata, of the many wives of a Brahman, 'the wife who is of one's own caste, is to be the foremost. She alone is entitled to perform household duties for her husband. If the Brahman-wife is in the house, no other wife is entitled to attend to the needs of the husband. Only the Brahman-wife should help the husband in his religious acts.'<sup>2</sup>

But there are many references in the epic literature which show that men married several wives even of the same caste ; when this happened, the eldest wife ranked as the consort in religion or *Dharmapatni*.

Besides, the motive behind the practice of polygamy was not spiritual or religious, as it certainly was in the Sutra-period. The absence of progeny from the first wife, was not necessarily, the cause of marrying a second wife. A man, if only he had a desire, could marry another wife without being subject to any social opprobrium. Arjuna, the hero of the Mahabharata, married Draupadi, Subhadra, Ulupi and Uttara one after the other but he was never denied the high status which he occupied

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1. Gautama, I—24.

2. Mahabharata Anushasan, Parva, 44—12 and 47—44.

throughout, on account of that. On the other hand he had with him the sincerest benedictions of both the great personages of the time, Bhishma and Shri Krishna. The latter went so far as to secure for him one of his own kith and kin as a wife in addition to his previous ones. Certainly the practice of polygamy had been very widely prevalent in the Mahabharata and it carried with it no sense of disapproval.<sup>1</sup> Like the evil of gambling this usage too had become quite a common feature of the social organization. It was at first adopted by the royal families only, as a measure of satisfying the sense of their false pride and supposed superiority. Later on, it filtered even among the generality of people, who clung to it with foolish, almost bestial attachment.<sup>2</sup>

Consequently, we hear in the later epic ages, that a prince named Sobhari married fifty wives, only to satisfy his whim of bathing in a pool surrounded by beautiful damsels—a whim

1. Mahabharata speaks of eight prime consorts of Shri Krishna, and as many of Vasu Dev. Vichitra Virya and Pandu had two wives each. Bhima besides Draupadi, had one more wife—the sister of Shishupala. Saha Dev also had another wife, the daughter of Jara Sandh. So had Nakula a second wife. Duryodhana is mentioned to have left a harem of women behind his death.

2. Padma Purana, Ch. 232-15, 16.

which caught hold of him, once when he saw a fish swimming with a hundred other fish around it. The great epic-writer Vyasaadeva himself justifies the practice of polygamy before Dilipa, another royal personage, who wavered at first to accept the hands of three handsome maidens named Kamala, Vimala and Sarasa. Says he :— “ O Prince, accept the hands of these girls. There is no harm in it. Never doubt the practice of polygamy—it is a very old one. The well-known king Mandhata married as many as fifty girls in a day. So did Sobhari. Soma, another king also married a number of daughters of Daksha at once.”

Thus polygamy<sup>1</sup>, the relic of barbarous times, when women were captured, enslaved and married often against their will, persisted right upto the epic ages. Wives were then usually regarded as chattels, who could be staked at dicing and over whose life and liberty husband exercised complete control. Though the practice of polygamy was gradually dying out, yet the lot of co-wives was extremely miserable. Each one naturally craved for the whole-hearted love

1. About the practice of polygamy, Megasthenes observes, “ They (Indians) marry many wives whom they buy from their parents, giving in exchange a yoke of oxen. Some they marry, hoping to find in them, willing helpmates and others for pleasure and to fill their houses with children.” Macrindle, pp. 71.

of her husband and wished to be his favourite wife, but as this was impossible, the neglected co-wife very often took to the performance of secret rites and uttering of incantations with a view to gain her husband's love and put down her rival. These spells and incantations have come down to us in many shapes of superstitions, so prevalent in the present day India.

Before concluding our remarks on the subject, we may refer to one other custom which though is not related to, yet is suggested by polygamy. We allude to polyandry, a custom by which a woman is taken as the common wife of a number of men. This custom rarely prevailed in ancient India, the only classical instance is that, given by Mahabharata of which the heroes, the five Pandava-brothers, had a common wife.

But the case of polyandry in Mahabharata is very exceptional. When Yudhishthira asks the king Drupada to give her daughter to all the five brothers and not only to Arjuna, who had actually stringed the bow, Drupada remonstrates :—

'It is ordained that a husband can have many wives, but we have never heard that a wife can have many husbands.'<sup>1</sup>

'O son of Kunti, pure as you are, acquainted

<sup>1</sup> 1. Mahabharata Adiparva, 197—27, 28.

with the rules of morality, you should not commit an act that is sinful and opposed both to the Vedas and the usage. Why your understanding has come to be so !<sup>1</sup>

✓ Yudhishthira attempts to convince the King of the legality of custom by citing instances from the Puranas in which a lady of the Gautama-race, named Jatila, the foremost of all virtuous women, married seven Rishis all together. So also the daughter of an ascetic married ten brothers, all of them bearing the same name of Prachetas and all of their souls were exalted by asceticism.

But Drupada is not satisfied with the above legendary data, which are dismissed by the great sage Vyasa also, as being opposed to the Vedas and the usage. However the marriage of Draupadi with the five Pandava-brothers does take place only to save the mother Kunti from untruth, because she had commanded her sons saying, "Enjoy all of you, that which you have obtained." This, then is the explanation of the exceptional phenomenon with which we meet, in the Mahabharata.<sup>2</sup> Otherwise the custom of polyandry was almost unknown in ancient India. In treating of the

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1. Mahabharata Adiparva, 198—14, 15.

2. A story is also related to explain this anomaly. In a former life Draupadi had performed severe penances

above subject, Dr. Abinasha Chandia Das is of the opinion that there are indications in the Rigveda of polyandry. He bases his contention on a verse<sup>1</sup> which says that two men lived with one woman. The learned doctor is however cautious not to rely on one verse only, and that too of doubtful interpretation. He therefore rightly adds, 'It is probable that the woman referred to in the verse, was a harlot and the two men were her paramours, who alternately visited her'.

He proceeds further to find support for his view in three other verses which say that the Maruts had one common wife named Rodasi, who was devotedly attached to her husbands and probably lived with them by turn.<sup>2</sup>

But we on our part, do not feel persuaded, to draw any definite conclusion from the preceding insufficient data which at the best are mere metaphors and allegoric expressions. Nor are we prepared to subscribe to the view

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in order to get a husband. Shiva was pleased and appeared to her and promised her five husbands. She answered she had asked for only one. The God replied, "Five times you said to me, 'Grant me a husband',—therefore you shall have five husbands."

Monier Williams, " Indian Wisdom", pp. 387.

1. Rigveda, VIII—29—8. 2. *Ibid.*, I—167—4, 5, 6.

that these metaphors might have been suggested to the poet by some concrete examples. The poets who wander in the regions of airy nothings cannot be expected in their divine ecstasy to record the gross realities of the world. When once they ascend the ethereal heights of unbodied imagination they never allow themselves to be affected by a shade even, emerging from the earth. It is only when they are on the earth that they deal with the earthly matters with their characteristic thoroughness.

Thus, the Rigveda in a long discourse on the right observance of marriage-rituals lays down a practical rule that a woman in the household must have 'ten sons and make her husband the eleventh man.'<sup>1</sup> Had the scripture intended to convey its approval of the practice of polyandry it would never have particularised the position of husband to be the eleventh in the household. The rule clearly corroborates the view held by us, that the Vedic society was perfectly free from the stigma of the evil custom and it presents to us practically no instance illustrating the practice of polyandry.

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1. Rigveda, X—85—45.

## CHAPTER V

### THE EXTENT OF FREEDOM ALLOWED TO WOMEN

The social status of women can best be ascertained from the extent of freedom ordinarily allowed to them. Were they chained down under the rigours of social restrictions or had they full right and liberty of movement, association and enjoyment?

Now, as regards the Vedic ages, it appears that women had sufficient liberty of going and walking about. They were not necessarily confined to the four-walls of their family houses. Though the apartment in which they used to reside were secluded ensuring privacy, yet they quite freely associated with others on occasions of festivities and rejoicing. The fact that they commonly attended fairs and festivals is borne out by a number of verses in the Rig Veda. We content ourselves with quoting here only two such references :—

‘ The sister quitteth for the elder sister her place and having looked on her departeth. She decks her beauty, shining forth with sunbeams, *like women trooping to the festal meeting.*’

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1. Rigveda, I-124-8.

"Like women at a gathering fair, the streams of oil, look on with gentle smile and recline to *Agni*.<sup>1</sup>"

Besides going to *Samanas* or fairs for fun, women also sometimes attended *Sabhas* or assemblies of the learned ones, probably in company with their husbands. Frequently they went out for pleasure trips, and climbed hills with other women to pluck flowers and fruits.

There is even mention of dancing in the Vedic literature. In a verse it is said, "of the two dancing damsels I do not know who is the better."<sup>2</sup> Usha, the goddess of twilight, is compared in a passage<sup>3</sup> to a girl dancing with breast open like that of a cow who yields her udder. Pischel<sup>4</sup> is of the opinion that the word *Vra* so frequent in the Rigveda, refers to women who went to festivals and performed dancing exercises. It would thus appear that women in ancient Vedic society enjoyed rights of free movement and association.

We may also observe here that the unrestricted freedom bestowed on the female sex sometimes led unmarried girls to go astray and married women to become faithless

1. Rigveda, IV—58—8. 2. Atharva, X—7—43.

3. Rigveda, 1—92—4. 4. The Vedic Index, pp. 339.

to their husbands, a phenomenon which probably gave rise to such remarks as 'woman's mind is ungovernable' (Rv. VIII—33—17), 'woman's love is always fickle' (Rv. VIII—33—17), and "woman's heart is like that of a hyena." Of course, these remarks were prompted by an observation of the character of the ordinary women of the uncultured classes, most of whom lived a free and easy life. But generally there were noble types of women among the cultured classes and the decent folk, who were justly honoured and respected by the opposite sex. The above uncomplimentary remarks regarding women had not therefore any general applicability.

That music and dancing were among the familiar accomplishments of high-born ladies would appear from a reference to the epic literature. The city of Ayodhya, according to Ramayana, abounded in theatres and recreation-halls for the use of ladies.<sup>1</sup> On the occasion of the installation of Rama to the heirship to the throne, there was a vast 'concourse of actors, dancing women and musicians in the capital'.<sup>2</sup> On the way to palace, Rama was bestrewn with flowers by ladies in gala dress.<sup>3</sup>

1. Ramayana. Bala Kanda, II—5. 2. *Ibid*, II—6.

3. *Ibid*, II—16.

From these and other allusions in the Ramayana we find that ladies in those ancient days took a not inconsiderable part in the public life of the city and had various recreations provided for their entertainment.

We should however admit that ladies of high families treated it more or less as a privilege not to come out in the public too frequently, and without aristocratic veils. Thus even the consorts of Ravana appear to be habitually attached to the practice of *avagunthana* (*parda*). They feel very much distressed when they have to put it off on the bereavement of their husband in order to participate in his funeral ceremonies. After the death of Ravana, Sita is also mentioned at the same place, to have come out from Lanka with a piece of cloth on her face and to have wept bitterly in the presence of Rama, whom she addressed as *Arya Putra*, and others.<sup>1</sup>

In the Mahabharata-times also women appear to be leading a life of freedom. At least they did not keep within doors, as their sisters decidedly did in the later ages. In the Epic, we find testimony about women's right of attending demonstrations and exhibitions. When Dronacharya, the preceptor of Kurus

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1. Ramayana, VI—1—14.

in the science of war, held a big anniversary for displaying the feats of his disciples, there women too are mentioned to participate in the fair. In the amphitheatre where the show was organised, a prominent place was filled by women-spectators including Gandhari and Kunti. All the female visitors were mightily pleased with the demonstration so skilfully accomplished by the worthy pupils of the Acharya.

But as the time passed on, the freedom of women was gradually being curtailed. They were losing their rights and progressively becoming subservient to the male sex. They were generally being confined to houses, with only domestic duties to perform. They no longer went out to attend festivals or undertake pleasure trips. In the very ages of Mahabharata, women seem to have lost much of their ancient liberty. Indeed by the end of the epic-age the freedom of women had become a thing of the past, because it is observed in a passage, 'O lady of sweet smiles, women were not formerly kept within house. They used to go about freely and enjoyed as they liked'.<sup>1</sup>

Further it is stated in the Striparva of Mahabharata that 'those women who were formerly never seen even by gods were being the subject

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1. Mahabharata Adiparva. 122—4.

of everybody's sight, while going to mourn their deceased husbands in the battlefield."<sup>1</sup> It is therefore clear that the custom of keeping women in the houses had begun in the age of Mahabharata which was later firmly planted in India due to many socio-political causes subsequent to the foreign aggression and consolidation of the alien power in the country. Especially girls of youthful ages were positively barred from roaming about in the open without the company of their guardians. And besides with the advent of an alien culture which did not entertain very high ideals of morality, the Aryan thoughts of chastity and purity seemed to be in danger and in a fit of fearfulness the priests of society had ordained a life of seclusion for women. They laid down hard and fast rules for the guidance of the gentler sex, which was never to transgress the limits. The virtues of modesty and bashfulness were held, from the date, to be the foremost ones. A maiden of tender years was made to live behind *parda*, lest she should get astray. She was not to go out of the house without the permission of her husband. If she ever needed to go outside she had to put on garments properly. She was not to walk fast, nor was she allowed to speak with anyone on the

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1. Mahabharata Striparva. But widowed women seem to have had liberty to move about wherever they liked.

way except a dealer, a recluse, an old man and a physician; while walking she was not to laugh, not to talk and not to make any particular gesture. She was ever to be wakeful about the proper covering of her body and never to let any part of hers to be bare.<sup>1</sup>

Here in this connection, views expressed by Dr. Bhandarkar may be quite interesting. Says he, "The general belief is that the seclusion of woman was unknown to ancient India and that the *pardah* system was introduced into the country by the Mohammadans. But nothing is more erroneous. A study of the dramas of Bhasa and Kalidasa leave no doubt, as to *pardah* being practised in their time. This is more than confirmed by the Kamasutra of Vatsayana, who flourished in the third century A. D. But the practice can be traced back to a time long before Christ. Asoka speaks of his *Avarodhana*, which means inner closed female apartment. And quite in consonance with it, is the mention of *Antah-pura* or harem in the Arthashastra, where Kautilya gives direction not only how to build it but also how to guard it against outsiders. The Ramayana again contains several allusions to the custom of secluding women. But the earliest known reference to

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1. *Sankha Smriti.*

it, is Panini III, 2, 36, which yields the *Asuryampashya* and has been explained in the Kasika as *Asuryampashya Raja-darah*. "Those who do not see the sun, that is, the wives of a king." If the Kasika has given this as an example traditionally handed down, that means that the queens of a king were so rigorously shut up in the harem in Panini's time that they had no opportunity of seeing the sun even.<sup>1</sup>

Kautilya also records a state of society in which women had been denied liberty. According to him, a woman, who goes out at a day time, to sports or to see a woman or spectacles shall pay a fine of six *pana*.<sup>2</sup> Manu, however, does not share the above opinion.

There are indications in the law-book which show that women frequently participated in the assemblies of joy and they were always treated with due respect by the male members of the family.<sup>3</sup> Elsewhere the same spectacle is drawn with the addition that women, being excessively happy, danced and drank and shouted deliriously.

'As we have already stated, it was in the post-epic ages that restrictions were laid on the

1. Asoka, Ch. VI, pp. 189. 2. Arthashastra, III—3.

Megasthenes also corroborates the existence of *parda* in the post-epic time.

3. Manu, III—59.

liberty of women. In times of the yore, there were no such impediments in the way of full and free manifestation of womanhood, while perusing the ancient Sanskrit literature we come across the names of many a lady-Rishi who preached the gospel of holy-books before congregations of people. Lopamudra, one of these female preachers, is said to have preached as many as 179 hymns of the first book of the Rigveda, with the sage Agastya. Had there been the pernicious practice of *parda*, how could a woman have dared to come out and attain such a splendid achievement. In the Brahmanas too, we meet with a lady named Gandharvagrihita who is said to have lectured on some theological subject before an enlightened audience.<sup>1</sup> The *Brahmvadinis* of Upanishada times, are too well-known to need any detailed mention here. That women could go to the gatherings of the learned Rishis and take an honourable part in them is a sufficient proof that they enjoyed equal freedom with men in all social matters.

Besides, the marriage-rituals, by which the alliance of man and woman was solemnised, provide us with an unassailable evidence, which gives a lie direct to the assertion that the practice of keeping women behind the bars of houses was prevalent even in the Vedic ages.

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1. 'Aitareya. V-4.

Before the people, assembled on occasion of a wedding-ceremony, dispersed for their homes, the priest stood up and pointing to the bride declared :—

“Come all of you, present here and look at the bride. Bestowing your good wishes and benedictions on her, return you unto your homes again”.<sup>1</sup>

How could a priest have the audacity of inviting others to see the maiden if it were a custom to keep women behind *parda*.<sup>1</sup> Had the seclusion of women been a common usage, how would then a touch of sanctity, have been added to the unveiling of a maiden’s face before a heterogenous gathering like that on a marriage-celebration.

Here in this connection, we may consider the pertinent question of *swayamvara* or self-choice which is so often heard of in the Sanskrit-literature. The right of selecting one’s own husband reflects, to some extent, the freedom enjoyed by women. Savitri had for instance to go from place to place in search of her mate. She was given liberty by her own father, Ashvapati, to find out an appropriate match for herself. There is no mention anywhere that she was accompanied by any guards in the way. She appears to

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1. Rigveda, X—85—33.

have gone alone on her business without the least trepidation in her heart. She was young in years and yet she was free to move anywhere she pleased. In fact, the freedom was always self-guarded by the tremendous will-power and the fire of purity and self-control nurtured in the ancient school of *Brahmacharya*.

In Vedic times, it is clear the choice of a husband generally rested with the young woman herself, who selected her man from among a number of suitors<sup>1</sup> and as her marriage was contingent on the selection, it was not unlikely that failing to make any selection, she remained unmarried. Sometimes a maiden selected a wealthy suitor for her husband, irrespective of her personal attraction, qualifications or worthiness. Such marriages were condemned. A respectable girl always selected from among her suitors one whom she really loved, as true love was considered the real basis of conjugal happiness.<sup>2</sup> A story of *Swayamvara* is related by Sayana<sup>3</sup> in which Kamaghu chose the sage Vimada for her husband in a *Swayamvara-Sabha*, held for that purpose. As Vimada was returning with his bride, he was attacked on the way by the

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1. Rigveda, X—27—12. 2. *Ibid.* X—27—12.

3. Sayana's Commentary on Rigveda, I—116—1.

disappointed kings and princes who had been suitors for the hand of the princess. The Ashvins helped Vimada in the skirmish and taking up the bride on their own chariot, conveyed her to her husband's home.

In the succeeding ages of Brahmanas and Sutras however woman's liberty was restricted. She was allowed no choice in the selection of her husband and besides her marriage was treated as a matter of gift by father. Thus, Prajapati is said to have bestowed her daughter named Surya Savitri on the prince Soma.<sup>1</sup> In fact the practice of pre-pubescent marriages had begun in the post-Vedic ages and maidens generally were incapable of understanding the real significance of marriage and exercising their own judgment and discretion. Indeed womanhood was sacrificed at the altar of supposed social convenience and purity, and out of its ashes arose a race of a crippled and delicate creatures, too fragile for the propagation of vigorous life and too ethereal and womanly to be of any earthly use.<sup>1</sup> With the degeneration of women began the degeneration of the people,

1. Aitareya, IV—7. Also Shatapatha, IV—115—9. Where Sūkanya is mentioned to have been given by her father Sharyat to Chyavan Rishi in marriage.

which has continued down to the present times with rapid and disastrous acceleration.

The rule of Gautama sanctions the practice of *Swayamvara* in exceptional cases only.<sup>1</sup> Generally he approves of the idea of gift, *viz.*, girls are to be given in marriage by their parents. Manu also follows Gautama in this matter, only with the difference that whereas the latter allows a period of three months for a girl who is not married, the former makes an allowance of three years to wait. Says Manu :—

“ Three years let a damsel wait though she be marriagable, but after that time, let her choose for herself a bridegroom of equal caste and rank. If being not given in marriage, she herself seeks a husband, she incurs no guilt nor does he whom she weds.”<sup>2</sup>

Vashishta, another authority on law also enjoins the time-limit of three years. He clearly observes that a youthful maiden should not permit her menstruation to go on for more than thirty-six months ; she must marry according to her own will if she is not given by her parents in marriage up to that time.<sup>3</sup>

Yajnavalkya also allows *Swayamvara* only in cases where there is none to give the daugh-

1. Gautama Sutra, XVIII—20. 2. Manu, IX—90, 91.

3. Vashishta Sutra, XVII—59.

ter. The order of givers as set forth by him is as follows : father, grand-father, brother, male guardian relations and mother. In the absence of the former, the latter gives the daughter. If all of them fail to give her in proper time they are guilty of a sin equal to that of procuring the abortion of a child in the womb. But on the failure of her relations, a girl has perfect freedom to choose her own husband ?<sup>1</sup>

In such cases of self-choice Manu has laid a peculiar restriction that a maiden is not allowed to take with her, ornaments given by her father or mother or her brothers ; if she carries them away it will be regarded a theft.<sup>2</sup>

Thus it was a qualified form of *Swayamvara* that obtained in the post-Vedic ages. Women were gradually losing their ancient status and were being denied elementary rights of freedom. Their male guardians were generally becoming the supreme arbiters of their destinies. They had no voice in the determination of their own fate. The result is, that even up to the present day, a Hindu marriage is recognized as a gift of the bride ~~to the bridegroom by the father or any other relation of the bride, so the bride is not an~~

1. Yajnavalkya Smriti, I—63, 64. 2. Manu, IX—92

active agent but is merely the object of the gift by the legal guardian. No marriage is valid unless the bridegroom willingly accepts the bride, but there is no provision for taking the consent of the girl at the time of the marriage, and it is perfectly valid even if the girl is given in marriage against her wishes. In fact women were regarded as perpetual minors in ancient India and they are treated to be so, up to the present day.

But after the ages of Dharma Shastras there is a long period in the Indian history, wherein the practice of *Swayamvara* seems to have re-asserted itself.<sup>1</sup> How and in which manner this metamorphosis came into being, is not very easy to explain. The Mahabharata otherwise, so full of disgraceful remarks for the gentler sex is however charitable in allowing girls the liberty of selecting their own husbands. In the time of the other great Epic we do not come across such creditable data. For in the Ramayana, daughter appears to have subordinated her voice to that of father in the matter of selecting matches. "It will be an inauspicious day," thus exclaims the daughter of Kushanabha, "when maidens neglecting their fathers will decide for themselves and choose their own husbands."<sup>1</sup> She further adds that a father

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1. Ramayana Bal Kanda, 38-23.

must always be regarded as the supreme arbiter of a woman's fate. A maiden must accept a husband who is given to her by her father. She should in no way interfere in the judgment and decisions of her natural guardian.<sup>1</sup>

It is a misnomer to call the manner in which Sita was made to select her husband as a *Swayamvara*. She had practically been pawned at a dice, for any one could take her who stringed the bow. Similarly Draupadi's *Swayamvara* too contains in it little elements of the right of self-choice. In the ages of Mahabharata, however, we do meet with a number of wedlocks in which the implications of *Swayamvara* had been rightly understood. For instance the marriage of Kunti was conducted on the proper lines of a real *Swayamvara*. Her father Kuntibhoja had invited all the monarchs to a big assemblage and had offered his daughter to any one who captured her imagination most. Kunti after making a round of all the present nobles and princes and personally observing all of them advanced in modesty, and quivering with emotion placed the nuptial garland around the neck of the king Pandu with whose magnanimous personality she felt herself to be in excessive love.

In the marriage of Subhadra also, she is

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1. *Ramayana* Bal Kanda, 39-23.

said to have expressed her own desire to be a consort of the royal hero Arjuna, who seized her away even against the approval of her parents. Krishna, after hearing of the incident, lent his support to this form of *Swayamvara* by saying, " Who would think of accepting a bride in *gift* as if she were an animal, what man again there is, on earth who would sell his offspring?"<sup>1</sup>

Kanya, the father of Shakuntala also approves of her daughter's self-choice in these words in the Mahabharata. " The act that you have committed to-day in secret without having awaited to receive my premission, has not been destructive of your virtues. The marriage between a willing man and a willing woman is said to be the best among Kshatriyas."<sup>2</sup> The same sentiments have been given vent to, by the royal personage Dushyanta in his request for marriage to Shakuntala.

The Mahabharata gives its final verdict on the question, in the following authoritative manner. "The engagement made by the relatives of a girl is no doubt binding and sacred. But the engagement that is made by the bride and bridegroom is very much so."<sup>3</sup>

1. Mahabharata Adiparva, 223—4.
2. *Ibid.* 223—14.
3. *Ibid.* Anushasan Parva, 44—26.

This verdict has found an echo even in the later epic literature.<sup>1</sup> But from the beginning of the present era, it seems to have lost all its weight and authority. Through some subtle process of the time's irresistible forces of disintegration and annihilation, the practice of *Swayamvara* too, seems to have met a doom of death and thus the only remaining vestige of freedom allowed to the gentler sex, appears to have bade its last adieu to the fair soil of our country.

1. Bhagavata Skandha, IX—20—15.

## CHAPTER VI

### WAS DIVORCE ALLOWED ?

From its very idea of a sacrament, a Hindu marriage in ancient India was held to be indissoluble. The effect of the marriage upon the wife was to transfer her, both bodily and spiritually from her paternal family to that of her husband. She adopted the *gotra* of her husband and became united to him in flesh and blood.<sup>1</sup> During the husband's life-time he was regarded by the wife as god and the wife was declared to be the half of the body of her husband, equally sharing all his acts and no sacrifice and religious rite was allowed to her, apart from the husband. Hence it was that after the husband's death, the widow was as the surviving half of the body. The union was a sacred tie and subsisted even after the death of the husband. This view in ancient times led to many a consequence. Being the union of two souls, the death of husband did not set the wife free to remarry. Again during the husband's life-time there could be no divorce for whatsoever reason. (Neither

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1. Apastamba, II.

adultery, nor prostitution, nor degradation could ever dissolve a Hindu marriage.

We in the present chapter, are concerned with the investigation, whether the practice of divorce was sanctioned in ancient India or not. From the perusal of the relevant portions as the 85th hymn of the tenth book in Rigveda and the first hymn of the fourteenth book in Atharvaveda, it appears that the Vedic Aryans entertained very high ideals about the sanctity of marriage. They certainly did not regard it a mere contract between two parties. To them it was an unbreakable bond, which united man and woman for good. There could be absolutely no separation. Till the end of life, both the husband and wife, it was ordained, must stay together and never part from each other. We know not a single verse in the Sanhita literature which gives even the faintest idea that a nuptial tie could be broken on any grounds whatsoever. On the other hand we meet with passages, times without number, laying down expressly that there can be no dissolution of the sacred bond of marriage. Here, we cite only a few such passages to indicate the strong manner in which the scriptures hold the sanctity and indissolubility of the marriage-tie :—

‘Be not divided, O husband and wife: dwell ye here and reach the full time of human

life with sons and grandsons; sport and play rejoicing in your happy home.”<sup>1</sup>

“Hence from the father’s house and not thence from the husband’s house, I send the bride free. I make her softly fettered there, so that she may live with her husband, blest in fortune and offspring.”<sup>2</sup>

“I take thy hand in mine for happy fortune that thou mayest reach old age with me, thy consort”. “Let *Agni*, Lord Omniscient make thee happy till old age, a wife unto me thy husband.”<sup>3</sup>

These passages viewed in the light of numerous other Vedic texts enjoining on man and woman to be mutually constant and devoted to each other after the wedding, certainly make it abundantly clear that the Vedic India was perfectly innocent in this respect and had absolutely no knowledge of the possibility of nuptial relations ever being suspended or ended.

The Sutra literature also does not seem to be very much in the know of a practice like divorce. It was surely non-existent in the time when Apastamba, the great law-giver composed his rules. For, he observes in one of his aphorisms very unambiguously that the man and woman get associated in all mundane and spiritual affairs from the very day when the

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1. Rigveda, X—85—2. 2. Atharvaveda, XIV—1—18,  
3. *Ibid*, XIV—1—49.

wedding is solemnised and thereafter according to  
ration is even conceivable.<sup>1</sup>

He has very severe remarks to make at and  
those who treat the nuptial relations lightly.<sup>2</sup>  
"If the marriage vow," says the law-giver "is  
transgressed, both husband and wife certainly  
go to the hell."<sup>3</sup> A very humiliating penance  
is prescribed for him who abandons his wife,  
"He who has forsaken his spouse shall put an  
ass's skin with the hair turned outside and beg  
in seven houses saying 'give alms to him who  
forsook his wife.' That shall be his livelihood  
for six months."<sup>4</sup>

If a wife made advances in renouncing her  
wedded husband, she had, according to Apast-  
amba, to perform the twelve nights' *Krichha*  
penance for as long a time.<sup>4</sup>

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1. Apastamba—*Jayapatyo na vibhago asti.*

2. *Ibid.* II—10—26—6. 3. *Ibid.* I—2—28—14.

4. *Ibid.* I—2—28—20.

In the Brahmanas, a little anecdote is related that once  
the two Ashvini princes, the famous physicians of gods,  
were wandering in search of their patients, when they met  
with Sakanya, the beautiful daughter of Sharyati and wife  
of Chyavan-rishi. They asked her why she had married  
a decrepit old man of inauspicious looks and further advised  
her to forsake him and accompany them. But Sakanya  
forthwith resisted the illicit demand of Ashvini princes,  
by saying that she could not renounce a man to whom she  
had been given by her father, for it was the old customary  
religion of women

Shatapatha, IV—I—5—9.

and malicious. A wife who always gives birth to female children may also be superseded.<sup>1</sup> The gloss of the Mitakshara commenting on the above passage explains the practice as follows : " *Adhivedana* " (supersession) means the acceptance of another wife. But the superseded wife is to be treated with respect, consideration and charity as before. Otherwise a man incurs a serious breach of faith and is guilty of a heinous crime. The best and the most blessed home is that where husband and wife ever live in peace and concord."

Manu prescribes abandonment only in the case, when a girl has been betrothed and not married to a man. If after the engagement, a man finds that the proposed damsel is 'blemished, diseased or deflowered and has been given by the parents with fraud,'<sup>2</sup> he is at liberty to renounce her. The law-giver re-affirms his emphatic opinion in this matter by enjoining elsewhere that if any body gives away a maiden possessing defects, without declaring them, the bridegroom may annul the contract with the evil-minded giver.<sup>3</sup>

<sup>1</sup> It amounted almost to a sacrilege if a wife once accepted before the nuptial fire was subjected to divorce and left in the wilder-

1. Yajnavalkya, I—73.

2. Manu: IX—72.

3. , X—73.

ness of misery, distress and disgrace. Therefore after a marriage was consummated, no dissolution was ever imaginable. Even after the death of her husband, a wife was supposed to be linked with his soul and hence she was under an obligation to lead a life of pious widowhood, always meditating upon the virtues of her departed partner<sup>1</sup>. Though it was a harsh dictum not to allow widows the right of remarriage, yet it was a natural corollary of the fundamental conception of marriage. Once the two souls had united in the nuptial bond there could be no separation in this world nor beyond it. The sacred tie of wedding could not be undone even by the hand of Providence who could at the most divide the married couple physically and never spiritually.

Another important factor which contributed to the inviolability of marriage-relations in the society of ancient ages was the utter abhorrence in which the sin of adultery was held. A woman guilty of faithlessness and incontinence was subjected to severe social castigation and condign punishment. A man too, transgressing the chastity of his espoused consort, was treated similarly and sometimes even with greater severity. Thus, Apastamba dilating on the subject lays down :—

1. Manu, V—16.

'He who has had any connection with another's wife shall cut off his organ together with the testicles and taking them into his joined hands, shall walk towards the south without stopping until he falls down dead'.<sup>1</sup> 'Or he may die embracing a heated metal image of a woman'.<sup>2</sup>

Gautama, another law-giver also has very strong observations to make in this connection. According to him the guilt of him who has intercourse with the wife of a friend, a sister, a female belonging to the same family, the wife of a pupil, a daughter-in-law, is as great as that of him who violates the Guru's bed and therefore deserves severest punishment at the hand of the king.<sup>3</sup> Again 'a woman who commits adultery with a man, the king shall cause her to be devoured by dogs in a public place'.<sup>4</sup>

The foregoing remarks are repeated by Manu with a slight modification. Says he 'If a wife proud of the greatness of her relatives or her own excellence violates the duty which she owes to her lord, the king shall cause her to be devoured by dogs in a place frequented by men'.<sup>5</sup> As regards men who commit such crime of

1. Apastamba, I-9-25-1. 2. *Ibid*, I-9-25-2.

3. Gautama, XIII-12. 4. *Ibid*, XIII-14.

5. Manu, VIII-371.

adultery, it is said 'let him cause the male offender to be burnt on a red hot iron bed, they shall put logs under it until the sinner is burnt unto death.'<sup>1</sup>

We have taken the liberty of quoting the above passages in their entirety only to indicate the length, to which Aryans in ancient India could go in condemning the evil of adultery which in the modern world is connived at, without a guilty conscience and even is legalised under the garb of supposed social convenience. The truth is, that the very conception of morality was different from that prevalent now-a-days. Naturally in the ancient ideals there was no room for such a practice as divorce. Its justification lies and can only lie on the assumption that the social fabric is wholly vitiated by loose ideas of morality and shameless feelings of irreverence towards the sanctity of conjugal rights. The so-called advanced nations of to-day may well boast of evolving a social system in which the component parts are elastic and liable to easy adjustment. A man and woman can without the least hardship compose their differences by resorting to a social expedient like dissolution of marriage.

But we must frankly confess that the law-givers of ancient India did not, and perhaps

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1. Manu, VIII—322.

could not, take pride in defending and vindicating a system which might be subversive of their cherished ideals of social purity and matrimonial sanctity.

Thus, upto the ages of Dharmashastras at least, there are enough indications which fortify us in our belief that the early Aryan society was not only free from the practice of divorce but also had no knowledge about it. In the times of the great Epics too, there does not seem to be any material change in this respect. The idea of inviolability of marriage-relations is as firm in the ages of Ramayana as ever. The nuptial bond is held to be as sacred and as unbreakable as in the preceding ages. A wife is supposed to follow her husband in close association not only in this world but even beyond it. Thus the king of Mithila, offering the hand of her daughter to the prince of Ayodhya :—

This is Sita, child of Janaka dearer unto  
him than life,

Henceforth sharer of thy virtue, be she  
prince, thy faithful wife.

Of thy weal and woe partaker be she thine  
in every land.

Cherish her in joy or sorrow, clasp her  
hand within thy hand.

As the shadow to the substance, to her  
Lord is faithful wife.

And my Sita, best of women follows thee  
*to death or life.*

The above extract from the great Epic, besides illustrating the point in view, serves as an epitome of ideals entertained by the ancient Aryans about womanhood. How could in such a serene atmosphere of chastity and constancy prevailing in those ages, even a thought of divorce or dissolution ever occur ?

In the time of the Mahabharata as well, otherwise so inconsonant with the preceding ages, we do not come across a single instance which may lead us to believe that the practice had come into existence. To this view however we are prepared to subscribe that ideas of morality were getting loose at that time and the evil of adultery was being commonly tolerated. That prostitution had also been allowed to creep into the society is proved from many a description of royal families and processions to war. Thus, among the camp-followers of the army of Duryodhana, were merchants, spies and prostitutes.<sup>1</sup> Likewise charioteers, shopkeepers, men in charge of treasure and implements of war, physicians and surgeons and *prostitutes* accompanied the army of Yudhishthira.<sup>2</sup> When Krishna, on behalf of the Pandus, visited

1. *Mahabharata Udyoga Parva*, 195.

2. *Ibid.* *Udyoga Parva*, 149.

Dhritarashtra with negotiations for peace on the eve of the war, the latter ordained that public women in their thousands decked in jewellery should advance on foot to welcome him.<sup>1</sup> The habit of drinking also among not only public women but even high born ladies seems to be common. Thus, Gandhari in her laments speaks of the wife of Abhimanyu, the daughter of the king Virata, 'who was over-powered by *Madhvika* wine she had drunk after bashfully smelling the fragrance of her husband's face.'<sup>2</sup>

This gradual decay of morals is easily understandable if we take into consideration the factors, which with the onward march of time were operating behind the scene. Certainly the advent of the modern era was being heralded with symptoms of degeneration and degradation of society. How true in this case is the old maxim, 'coming events cast their shadows before.'

The Arthashastra of Kautilya is interspersed with references which clearly support us in the belief that the nearer we come to our own times, the greater is the laxity of moral ideals and the commoner the evil of prostitution. Not only the evil is not condemned by Chanakya but

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1. *Mahabharata Udyoga Parva*, 85.

2. *Mahabharata Shrimat Parva*, 20.

it is even legalised by him in the case of families. Thus, an entire chapter<sup>1</sup> is devoted in the Arthashastra to the creation and maintenance of the prostitute-department.

The superintendent of prostitutes shall employ at the king's court on a salary of 1,000 panas per annum a prostitute (*a ganika*) and a rival prostitute or *upganika*. "From the age of eight years, a prostitute shall hold musical performance before the king. When a prostitute does not yield her person to anyone under the orders of the king she shall receive 1,000 lashes with a whip. Every prostitute shall pay every month twice the amount of a day's earning to the Government". In another place, the same laxity of moral principles is continued, "when a man rescues a woman from enemies, forests, floods or saves the life of woman who has been abandoned to forests, forsaken in famines or thrown as if dead, he may enjoy her as agreed upon during the rescue." How far the foregoing remarks reflect the real state of affairs, we are not in a position to make any definite statement. This much at least is certain that the conditions which provoked the above observations were far from being ideal and were decidedly worse than those in the pre-epic ages. Indeed they could not be

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1. Kautilya Arthashastra, II-27.

better as the elements of modernity were already creeping into them to make them conformable to the conditions in the succeeding ages.

It is therefore not very surprising to us that we, for the first time, meet with the practice of divorce, mentioned in unmistakable terms in the Arthashastra of Chanakya. It may however be stated to the credit of the great author that he does not lend his unqualified support to the practice. He is cautious in approving of it, which he certainly treats as a necessary evil. Otherwise his ideas of the sanctity of marriage-relations and the inviolability of nuptial tie, are as high as those in the Vedic and post-Vedic literature. He does not sanction divorce in all cases, but only in exceptional exigencies. Says he in his third book :—‘A woman hating her husband, cannot dissolve her marriage with him against his will, nor can a man dissolve his marriage with his wife against her will. But from mutual enmity, divorce may be obtained. If a man apprehends danger from his wife and desires divorce he shall return to her whatever she was given on the occasion of her marriage. If a woman under the apprehension of danger from her husband, desires divorce, she shall forfeit her claim to her property.’<sup>1</sup>

Again, "if a husband is either of wicked nature or is long gone abroad or has become traitor to his king, or is likely to endanger the life of his wife or has fallen from his caste or has lost virility, he may be abandoned by his wife."<sup>1</sup>

But further, he adds, "marriage contracted in accordance with the customs of the first four kinds of marriages cannot be dissolved."<sup>2</sup>

The later Smriti literature also does not seem to be in favour of the dissolution of marriages. Thus the Daksha Smriti opines that a man who renounces his wife, even she be fallen, is born as a woman in his next life and bears the agony of barrenness.<sup>3</sup> The Vyasa Smriti also maintains the same position, but is further of the opinion that a wife in case of her being diseased, disloyal and depraved be superseded by another wife.<sup>4</sup> Bodhayana also justifies supercession on the part of the husband. "Let him" says he, "abandon a wife who does not bear children in the tenth year, one who bears daughters only in the twelfth, one whose children all die in the fifteenth, but her who is quarrelsome without delay."<sup>5</sup>

It is strange that the ideal of the sanctity

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1. Arthashastra, III—2. 2. *Ibid*, III—3.

3. Daksha Smriti, IV—45. 4. Vyasa Smriti, II—51.

5. Bodhayana, II—6.

of marriage and the inviolability of the nuptial tie is kept intact even upto the present day. The Hindu society is as much averse to the idea of divorce to-day as it was, thousands of years ago. The grandeur of this ideal has not been disturbed by centuries of vicissitudes and upheavals. It is there, standing firm like a rock, still the most potent factor influencing millions of lives in India. It has gone deep into the social fabric and no amount of modernity can, for ages, penetrate the depths attained by it.

## CHAPTER VII

### THE STATUS OF A WIDOW

According to the Vedic conception of marriage, it has already been stated, a union between man and woman before the nuptial fire, was held to be the most unbreakable and subsisting even after the death. Thus a woman if her husband died was not free to marry again but to lead a life of piety and absolute self-denial.

Almost all the legal authorities of the old ages are at one in holding the view that a wife once united with a man is united for good and there can be no separation from him even he be dead. Manu Samhita is most emphatic in this matter, which lays down that a wife may emaciate her body by living on pure flowers, roots and fruits but she must never mention the names of another man after her husband has died. Until death she must remain patient of hardships, self-controlled and chaste and perform these duties which are prescribed for wives who have one husband only. A virtuous woman who after the death of her husband constantly remains chaste, reaches heaven though she may have no son. A woman who from a desire to have offspring violates her duty

towards her deceased husband, brings on herself disgrace in this world and loses her place with her husband in heaven.<sup>1</sup>

The dictum which Manu re-iterates elsewhere is; 'A girl is given in marriage only once.'<sup>2</sup> This too in another form indicates the law-giver's firm belief that there can be no remarriage for women. If ever a testimony is needed to prove finally the validity of the above inference, it is supplied by an unmistakable passage in the *Smriti* which declares that 'a second husband is nowhere prescribed for virtuous women.'<sup>3</sup> *Yajnavalkya* also has taken up exactly the same position and he further believes that there is every danger of the social structure being corrupted, if women are allowed to reunite themselves with men after their husbands' death. He too is of the opinion that a maiden's marriage can take place only once.<sup>4</sup>

The idea was one of complete merging of the two personalities into one. It is said that 'as the quality of the husband as such becometh the quality of the faithful wife, even as the quality of the waters of the river becometh as the quality of the ocean into which she merges.'<sup>5</sup> In another place it is said that 'the

1. Manu, V-16. 2. *Ibid*, IX-47.

3. *Ibid*, V-162. 4. *Yajnavalkya*, I-52.

5. Manu, IX-32.

man is not the man alone, he is the man, the woman and the progeny."<sup>1</sup> The sages have declared that the husband is the same as woman. It is expressly stated elsewhere that "if the wife be a noble soul and the husband sinful and she determines to follow him in death unwidowed then even as the strong snake-hunter grasps the serpent and drags it out to light from the deepest crevice, even so shall her love and sacrifice grip the husband's soul and drag it from its depths of sin and darkness into the realms of light above."<sup>2</sup>

But we may mention here an exceptional case in which the practice of remarriage was sanctioned apparently to mitigate the severity of the above dictum. Thus, Manu after making a long discourse on the duties of a widowed woman says, 'If she be still a virgin or one who returned to her first husband after leaving him, she is worthy to again perform with her second husband, the nuptial ceremony.'<sup>3</sup> Those young girls only, therefore, seem to be allowed to re-marry who though formally married had not known the consummation of their marriage. Else, widows of mature years were entirely forbidden even to think of marrying again, because the

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1. Manu, IX—45.

2. *Ibid*, IX—23.

3. *Ibid*, IX—176.

greatest virtue was that they should remain constant to their deceased partner.<sup>1</sup>

The verdict of the law-giver in the case of men who have become widowers, presents a very painful contrast to the above. It certainly reflects no credit on Manu to allow men to re-marry and not to remain *Brahmacharis* after the death of their wives. If the vow of celibacy was conducive to the spiritual uplift of widows, why should a man be not given lessons in constancy, faithfulness and loyalty which are so often preached to the weaker sex? The explanation, that a man without wife is incomplete and that for performing his religious duties it is necessary for him to marry again, can hold good in the case of women also. Why should not a widow find another husband to discharge her religious obligations? She too is as much incomplete without a man, as the former

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1. In the first book of Mahabharata (Adiparva, Ch. 104), there goes a story about the blind sage Dirghatama. The name of his wife was Pradveshi. She having got tired of services she had to render for her blind husband and children, once prepared herself to renounce her family. The sage somehow or other detected his wife's intention and laid down a stern injunction for Aryan women for good to the effect that no woman was entitled to have a second husband whether her previous husband was dead or alive. Whosoever violated this injunction was to fall in eternal hells.

is without her. The sense of fairness and equity requires that both the sexes ought to have been treated in this matter with equal consideration. Is it not cruel to render the weaker of the two sexes, still more incapacitated and crippled by withholding even the right of remarriage from it ?

Thus, in one place says Manu, "Having given at the funeral, the sacred fire to his wife, who dies before him, he may marry again and again kindle the fire."<sup>1</sup>

Kulluka commenting on the above, indicates that not only one who has no progeny may remarry, but even a man with a number of children is entitled to remarriage.<sup>2</sup> How grossly unfair this judgment is, can be easily understood,

The above little story only emphasises in another way the old Vedic doctrine that there could be no remarriage for an Aryan woman. Of course there is some room for objection in the case of Damayanti who ordered for a fresh *Swayamvara* when her first husband Nala was no more to be traced anywhere. Raja Nala was himself furious on the idea of his wife's getting remarried. Addressing Damayanti he said ; "Only a wanton woman can marry another husband. A virtuous one can never even dream of her remarriage" (Vana Parva Ch. 16). He was relieved only when he was told by her wife that all this was a device to ascertain his whereabouts as there was none except him, who could traverse a distance of three hundred miles in a day and attend the function at so short a notice.

1. Manu, V-168. 2. Kulluka on the above.

if we bear in our mind the treatment accorded to women in this respect. The Dharmashastra associated with the name of Yajnavalkya<sup>1</sup> is still more unkind in this matter. It lays down that a man after performing the last rites of his wife, who is dead, *should at once without any delay* marry another wife, else his attainment of virtue will suffer. Here we may add again that it is not even courteous that a life-long companion of woe and weal should be dismissed with such cruel unconcern and heartless ingratitude. That a deceased wife may be superseded at once without any delay, by another wife, means that women were regarded as something of not much value to men. They served merely as stop-gaps to men, who could use any number of them for fulfilling the so called religious object of their life. This is what made the position of women in society very pitiable. Especially the lot of a Hindu widow was one of severe hardships and humiliation. According to the afore-mentioned injunctions of Dharamshastras, a second marriage was possible only at the cost of social death. From the tutelage of her dead husband she passed into that of her sons, if they were grown up, failing them she became dependent upon her husband's nearest kinsmen. Her life was expected to be

1. Yajnavalkya, III, 185.

one of rigorous austerity. She was forbidden to eat more than one meal daily and the luxury of a bed or perfumes was denied to her. Strict religious exercises were enjoined upon her, she was to make daily offering to her husband's memory, go on pilgrimages and observe various vows and fasts.

It is very late in the time of Chanakya that we hear about the practice of widow-remarriage. Perhaps the modern forces were again at work in this matter and were proving this time much beneficial to the weaker sex. It appears that the rights of widows atleast, were being gradually recognised and sense of justice to women was steadily being developed.

Thus in Arthashastra ; " Wives who belong to Brahman, Kshatriya, Vaishya and Shudra castes and who have not given birth to children should wait as long as a year, two, three and four years respectively for their husbands who have gone abroad and then remarry. But if they are such as have given birth to children, they should wait for their absent husbands for a year and more."<sup>1</sup>

Again, " In the case of husbands, who have become ascetics or *who have been dead*, their wives, having no issue, shall wait for the period of seven menses, but if they have given birth

1. Chanakya, Book II.

to children, they shall wait for a year and then remarry."<sup>1</sup>

Occasionally we meet with passages in the Smritis of the later times as well, which approve of the practice of widow-remarriage. Thus the following in Narada :—

'When her husband is lost or dead, when he has become a religious ascetic, when he is impotent and when he has been expelled from caste, these are the five causes of a legal necessity in which a woman may be justified in remarrying another husband.'<sup>2</sup>

It is obvious, that with the onward march of time, the conditions of society were getting more complicated and it was thought necessary that even a departure from the old practices of the time of the sacred literature be made in order to bring into harmony the ancient with the modern. Therefore the remarriage of widows though not sanctioned by the Vedas was adopted only as a measure to put a check

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1. Chanakya, Book II. 2. Narada, XII—97—101

The distinguished Sanskrit scholar and social reformer, Pandit Ishwar Chandra Vidyasagar relied for his campaign for widow-remarriage on the text of the Institutes of Parashara (Ch. IV—27) which in the most explicit terms permit a widow to remarry. It may be noted here that according to a traditional belief, the Institutes of Parashara are especially ordained to be the law for Kaliyuga, the present age.

on the growing evil of immorality. Besides it was thought to be a healthy device to mitigate the miseries and hardships, attendant on widowhood.

The joint family system was gradually breaking down and the bond of relationship was day by day, getting loose. Hence a woman after the death of her husband generally proved a burden to the family and was always left in a state of pity. She was not even welcome as a daughter to her parents' home, for sooth, she had become a widow. Therefore the best expedient was that the remarriage of such helpless women be allowed to meet the ends in view. Thus the practice went on.

Here we in passing, mention another legal device to meet the same ends, which was really the precursor of the practice of widow-remarriage. In the Vedic times, it seems that the custom of widow-remarriage in the true sense of the term did not exist, but the widow could live with her husband's younger brother to get a son for her husband if she chose. It was not the custom for the widow to live with any other man for the purpose; than her husband's younger brother who was called *devara* or *devri*. The relics of this custom are still to be found in some parts of India. Among certain lower classes of Hindus in Orissa, the father is

unwilling to give his daughter in marriage to a bridegroom who has got no younger brother, apprehending perpetual widowhood for her in the event of her husband's death. But if she has a *devara*, she can easily live with him as his wife, when her husband dies. Some low class Hindus of the U. P. and of Bihar also, allow the widow to live with her husband's brother as his wife.

Though the custom of widow-remarriage may not have existed in Rigvedic times there is a reference to it in the Atharva Veda :—

‘When a woman has had one husband before and gets another; if they present the *panchaudana* offering, they shall not be separated after the death. A second husband dwells in the same world with his re-wedded wife if he offers the *ajapanchaudana*.’<sup>1</sup>

There is another clear indication of the widow-remarriage in the same Samhita, wherein, it is said, “I have seen the young maidan taken away from the dead and married.”<sup>2</sup> The word ‘*pariniyamana*’ in the text, leaves no ground for doubt that a widow after the death of her husband was allowed to remarry.

A reference in the Rigveda also has sometimes given occasion to infer that the practice, obtained even in ages when the Rigvedic culture

1. Atharva, IX—27—28. 2. *Ibid*, XVIII—3—3.

was supreme. The translation of the text in question is as follows :—

‘ Where were ye Ashvins, in the evening where at morning ? Where was your halting place ? Who brings ye, homeward as the widow bedward draws her husband’s brother, as bride attracts the groom’ ?<sup>1</sup>

The passage is interpreted to mean that widows were allowed, after the death of their husbands to marry their (husbands’) brothers. But to us, it appears that it is only cohabitation better known by the technical name of Niyoga, which is mentioned in the above passage and not the practice of widow-remarriage. The occurrence of the word *Devara* in the text is a sufficient proof for this assumption, as even in the later literature the two words *devara* and *Niyoga* have oftner than not, come together. An allusion to Manu and Yajnavalkya on this point can bear ample testimony to the above statement made by us.

We can surmise the reasons why the custom of widow-remarriage did not come much into vogue in Rigvedic times. Girls were usually married when they became youthful, hence very probably the number of girl-widows was very small. Those who became widows, if youthful, could live with their husbands’ younger

1. Rigveda, X—40—2.

brothers for producing progeny. As the custom was sanctioned, no scandal was attached to it and hence there was no need for remarrying widows. As widows inherited their husbands' properties, a union within the same family was probably also regarded as prudent from a worldly point of view. The widow also probably was unwilling to sever herself from her old associations and environments and pass on to a family, where she would be like a stranger and not quite at home.

Hence the custom of the young widow allying herself with the younger brother of her husband for the sake of progeny answered all the purposes for which marriage was necessary. As regards widows in possession of sons and daughters, they had no hankering after remarriage and passed their times in bringing them up and setting them in life. These were probably some of the reasons why the remarriage of widows did not come into vogue in Rigvedic times.

The practice of Nivoga may appear objectionable to the sociologists of the modern age, yet it must be remembered that it was a substitute for the widow-remarriage. The causes for the origin of the practice were almost the same as for the more recent custom. The possession of a son to carry on the household

worship was regarded a vital necessity for a Hindu. In popular belief the sonless man goes to hell and his ancestors' ghosts in the absence of a descendant, who can feed them with the *pindas* at the rites in their honour, are doomed to eternal hunger and misery. It is said in Mahabharata that because the son rescues his ancestors from the hell called '*put*', therefore he is called *putra*. A man conquers the world by the birth of a son, he enjoys eternity by that of a grandson. The great grandfather enjoys eternal happiness by the birth of grandson's son.<sup>1</sup>

Aitareya Brahmana also echoes the same sentiments by observing in a passage that a father in begetting a son pays off a debt which he owes to his ancestors and thus becomes entitled to the state of immortality. All the enjoyments, pleasures and blessings that exist in the universe, fall in the lot of one who is fortunate to see the face of a son.<sup>2</sup> That there is no joy for one who is sonless is realised even by animals and beasts who in the excess of their love for progeny indulge in an indiscriminate procreation.<sup>3</sup> This desire for offspring is innate in every living being from the beginning of the creation. "Even God," says the

1. Mahabharata Adiparva, 74—77.

2. Aitareya Brahman, VIII—12. 3. *Ibid*, VIII—13

Upanishad though allegorically, "had a desire for progeny and wanted a wife unto Himself for the propagation."<sup>1</sup>

With such ideals before them it was inevitable that early Aryans should have devised various plans by which the blessing of a son may be obtainable even by those who had fortunately failed to obtain it by natural means. One of these plans was *Niyoga*—the deputation of the husband's conjugal rights to his brother or a kinsman either after his death or even before it. Another such expedient was the appointment of a daughter, a practice to which an allusion will be made in a subsequent chapter.

Now as regards the history of *Niyoga*, we may state that not only in the Vedic ages but even in the succeeding ages of *Sutra* and *Smriti* literature, it was the most common practice. Thus Gautama<sup>2</sup> devotes a full chapter to the consideration and elaboration of the practice. According to him, a woman who desires offspring when her husband is dead, can bear a son to her brother-in-law. For this, she must obtain permission of her *Gurus* and should have intercourse during the proper season only. In the absence of a brother-in-law she can get offspring by cohabiting with a *Sapinda* or a *Sagotra* relation. She

1. *Brihadaranyaka*, IV

2. *Gautama*, Ch.XVIII.

cannot bear more than two sons. A child begotten at a living husband's request on his wife, belongs to the husband. A wife has to wait for six years if her husband has disappeared. And in the like manner, if an elder brother has gone to a foreign country the younger brother must wait for twelve years before he takes his wife and kindles the domestic fire.

Here we may mention, by the way, that the *Vedas* allow four sons<sup>1</sup> from an appointed wife, whereas *Gautama* as stated above sanctions only two and *Manu* only one.<sup>2</sup>

The Law-giver *Vashistha*, while approving of the practice of *Niyoga*, lays down certain rules for the observance of a woman who is desirous of getting a son by resorting to this expedient. They enjoin on her the performance of severe austerities, penances, and abstinences before she can procure a son in this manner. Certainly the rules are calculated to prevent the practice from being too common and therefore too degenerated.<sup>3</sup>

Now coming to the age of *Dharmashastras* we may point out that *Manu*<sup>4</sup> is not very clear about this issue. In fact he is self-

1. *Rigveda*, X—85—40.
2. *Manu*, IX—60.
3. *Vashistha*, XVIII—49.
4. *Manu*, IX—67, 68.

contradictory.<sup>1</sup> He approves of the practice of Niyoga and at the same time he does not. Thus he proceeds to condemn it in an unmistakable language:—

“ In sacred texts which refer to remarriage, the appointment of widows is nowhere mentioned, nor is the remarriage of widows prescribed in the rules concerning marriage. This practice which is reprehended by the learned of the twice-born classes, as fit for cattle, is said to have occurred even among men, while Vena ruled. That chief of royal sages, who formerly possessed the whole world, caused the confusion of castes, his intellect being destroyed by lust. Since that time the virtuous, censure that man, who in his folly appoints a woman whose husband died to bear children to another man.”<sup>2</sup>

The following passages from the Smriti clearly indicate Manu's approval of the practice:—

‘On failure of issue by her husband a woman who has been authorised, may obtain in the proper manner prescribed, the desired offspring by cohabitation with a brother-in-law or with some other *sabindas* of the husband. He who is thus appointed to cohabit with

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1. Brihaspati:—Uktō Niyoga Manuna, Nishidheh Swayameva tu. 2. Manu, IX—65, 66.

the widow shall approach her at night, anointed with clarified butter and beget one son and by no means a second.<sup>1</sup>

How this apparent contradiction is to be explained, is something beyond the scope of our present investigation. We may, however, be permitted to say a word in this connection. To us it appears that the Manusmriti many times reproduces the opinions of ancient schools of thought, but omits possibly for metrical reasons to mark them as belonging to different authors and schools. And hence the appearance that many ideas are conflicting with one another. Yajnavalkya does not seem to hold two opinions in this matter. In his law of inheritance he quite unmistakably acknowledges the existence of Kshatriya sons who are born in an appointed wife. The law-giver calls them also by the name of *Dvamushyana*, *i. e.*, offspring of two fathers, the real and the provisional. He further entitles such sons to the inheritance of both the fathers and to the right of offering oblations to both.<sup>2</sup>

About the ages succeeding the Dharamashastra-period, we have very clear data to base our conclusions on. The practice of *Niyoga* is generally recognized as a legal device

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1. Manu, IX-59. 2. Yajnavalkya, II-127.

in the Mahabharata to get progeny. Thus Satyavati asks Bhishma to beget offspring on her daughters-in-law, the wives of her son who went to heaven when he was a boy. She pleads with Bhishma to do this virtuous act for the perpetuation of their dynasty.<sup>1</sup>

It is said in Mahabharata that Kshatriyas did not come to an end, inspite of their slaughter by Jamadagnya Parashurama, due to the fact that the practice of Niyoga was resorted to, by Kshatriya wives.<sup>2</sup> Again the king Bali is mentioned in one place to have appointed Dirghatama Rishi to cohabit with his wife, Sudeshna. Similarly Maharishi Vyasa is said to have begotten sons in the wives of Vichitriavirya.<sup>3</sup>

Pandu, the famous father of the five heroes of Mahabharata himself allows his wife, Kunti to practise Niyoga. Giving reasons for such an act, he says :—

“ As I am destitute of the power of procreation, I command you to raise offspring by some man equal or superior to me. So did the daughter of Shardanda without fault. So did Madayanti with the permission of her husband, Sudasa, by cohabiting with

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1. Mahabharata Adiparva, 103-10, 11.

2. *Ibid.* Adiparva, 104.

3. *Ibid.* Adiparva, 104.

Rishi Vasishtha. This virtuous usage was established by Shwetaketu, the son of Uddalaka, who said, 'The woman who being commanded by her husband to raise offspring will refuse to do it, will commit the sin equal to that of killing an embryo.' Thus O Princess ! men learned in the Vedas have declared that whether the act be sinful or sinless, it is the duty of the wife to do what her husband commands. I command you to raise offspring by Niyoga."<sup>1</sup>

When Pandu, desirous of getting more sons wished to speak again to his lawful wife, then Kunti addressed him thus :—

' The learned men do not sanction a fourth delivery even in an emergency. The woman who holds four different men is called *Swairini* ; with five she becomes a harlot."<sup>2</sup>

Thus it is abundantly plain that at least the ages of the Mahabharata witnessed the observance of the practice in many clear forms. The royal families generally treated it as a common device for raising offspring in issueless wives and legalised it for adoption by the rank and file. Hence we may conclude that in the ages, before the custom of widow-remarriage began, Niyoga was the most approved practice in India for alleviating and

1. Mahabharata Adiparva, 120—22. 2. *Ibid*, 123—75,

mitigating the miseries of those women who had lost their husbands or were without children.

It is very interesting, in this connection, to observe that by some curious coincidence the practice of Niyoga was prevalent even among ancient Greeks and Romans though with different ideals and different social objectives. Plutarch records a state of society in which women were lent by their husbands to friends for pleasure or procreation. Thus describing the life of Lycurgus the Spartan law-giver, he writes, "He laughed at those who revenge with wars and bloodshed the communications of married woman's favours, and allowed that if a man in years should have young wife, he might introduce to her some handsome and honest youngmen, whom she most approved of, and when she had a child of this generous race, bring it up as his own. On the other hand, he allowed that if a man of character should entertain a passion for a married woman on account of her modesty and the beauty of her children, he might request her husband for admission to her company, so that planting in her beauty-bearing soil, he might produce excellent children, the congenial offspring of excellent parents."<sup>21</sup>

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<sup>21</sup>. Plutarch's Lives, Lycurgus, p. 86.

Lycurgus further justifies the custom of lending wives to others on the ground that children were not so much the property of their parents, as of the state which was interested in seeing that they were begotten by the best men in it. The custom was held to have had the most salutary effect upon the morals of women themselves. The privilege of lending and receiving a wife was esteemed a high privilege of the Spartan citizen and its forfeiture was deemed a condign punishment reserved for serious delinquencies. The lending of wives to friends was regarded as a mark of favour in Athens and Socrates is said to have lent his wife Xantippe to his young disciple and friend Alcibiades.<sup>1</sup> That the wife was friendship's offering is illustrated in the life of Cato the younger. When he married his second wife Martia after divorcing Atilia, his friend Quintus Hortensius, a man of great dignity and politeness, requested Cato to lend him his married daughter Portia for the purpose of propagation. Cato answered that he had the greatest regard for the friendship of Hortensius, but he could not think of the application for another man's wife. Whereupon Hortensius requested him to lend him his own wife, whom Cato

1, H. S. Gour, Hindu Law.

did not only lend out, but presented to his friend with the consent of the lady's father.

Lycurgus again defended Niyoga by arguing that when men took care to improve the breed of dog and cattle, why should they not take the trouble to improve their own race. He ridiculed the vanity of those persons who try to have their horses and dogs of the finest breed they can procure and yet keep their own wives shut up, so that they may have children by none but themselves, though they may be doting, decrepit or infirm.

The foregoing ideas will be termed as loose morality by the Hindu sociologists. Certainly they go against the high Aryan ideas of constancy and devotion, better known as *pativrata-dharma*. And we may submit that the very cause of the disappearance of the practice of Niyoga in India has been the growing danger of its possible degeneration into loose morality. The later Hindu reformers decidedly disapproved of the practice and introduced a substitute for it in the form of widow-remarriage which is still the most popular device for elevating the status of widows. Besides there has been another important factor operating for the complete elimination of the practice of Niyoga in the country. Formerly, the rule was, which holds

good even to-day, that a widow's property passed to a son after her death. In case she had none, then to other male relations. The self-interest of these male relations conflicted with their duty to the deceased to provide him with a son in his widow. The result was that Niyoga became in course of time a discredited institution not entirely because of its immorality but because of the jealousies it aroused.

Before closing the chapter, we may throw some light on one more aspect of a widow's life in ancient India. It is believed by some scholars that the practice of burning widows, obtained not only in the mediaeval days of Rajputs' chivalry but in the early Vedic and post-Vedic times as well. We propose in the following few lines to examine the grounds on which the foregoing belief is based.

(Colebrooke), the famous translator of *Mitakshara* in one of his dissertations opines, that when a husband died the wife was to immolate herself upon his pyre. This was regarded as an ideal termination of conjugal happiness which even *Rigveda* enjoined in the following verse: 'Om, let these women not to be widowed, good wives, adorned with collyrium, holding clarified butter, consign themselves to the fire, whose original element

is water.' He adds further "when the ideal of Shruti enjoins self-immolation as the highway to heaven, it is not surprising that the Smritikaras will extol the act as the only befitting termination of a married life. With this ideal before them the later Smritikaras necessarily deprecate remarriage even after the husband's death and the later writers strengthen the law, till remarriage has come to be viewed as an odious example of incontinence."<sup>1</sup>

Dr. A. C. Das also believes that the custom of self-immolation is referred to in Atharva Veda (XVIII—3—1). But he does not share the opinion of Colebrooke that even the Rigvedic times witnessed the existence of the practice. He bases his conclusion on a verse, absolutely clear in the interpretation, an advantage which cannot be claimed by the verse adduced by Colebrooke. The verse in consideration seems to be addressed by a priest to a wife who sat near the funeral pyre of her husband. Thus it proceeds:—'Rise, come into the world of life O woman! Come, he is lifeless by whose side thou liest. Wifehood with this, thy husband was thy portion, who took thy hand and

1. H. S. Gaur. "Hindu Law", pp. 251.

wooed thee as a lover."<sup>1</sup> The word 'Jivaloka' in the verse is certainly enough to support the view that a widow was not consigned to flames but brought back to the living world to lead her life as usual.

It appears that in the later ages of Dharmashastras when the lot of widows had become very miserable and when they were being regarded as unnecessary burdens on the society, the best way of getting rid of them was thought to burn them alive with their deceased husbands. Manu<sup>2</sup> and Yajnavalkya however do not make self-immolation obligatory on a widow. She might stay after the death of her husband, but always deeply absorbed in observance of severe austerities. Shukra<sup>3</sup> also leaves it on the choice of a widow herself whether to follow her dead husband or to keep living in the world. In the latter case she was incessantly to worship gods, revere the memory of her husband and perform other regular penances.

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1. Rigveda, X—18—8. 2. Manu, V—158.

3. Shukra, IV—4—28, 29. The author of Mitakshara whose authority is always to be respected, has also decided on the subject of concremation in a similar manner. Says he, "The widow, who is not desirous of final beatitude, but who wishes for only a limited term of a small degree of future fruition is authorized to accompany her husband."

In the Ramayana and Mahabharata also we find indications of both the kinds. But it is only in the latter Epic that we find an actual instance of the practice of self-immolation. Madri, the junior queen of the King Pandu willingly dies with her husband, herself extolling the virtues of such an act. She deems it a privilege that her body will be consumed by the same fire which will burn that of her lord. For this, she vehemently argues with her senior co-widow by saying. 'O revered sister, you will be able to bring up my sons as if they are yours, but if I survive you, I shall not be able to rear up your and my own sons with equality.'<sup>1</sup> Kunti thus being silenced by the reasons, at last concedes to her the right of accompanying the husband and she herself remains back to bring up the five children.

When the Great War of Mahabharata was over, it is surprising to learn that no widowed woman consigned herself to flames. Only touching scenes of lamentations are exhibited by the author of the epic-poem. They were quite natural after so great a human catastrophe. Moreover it is admitted on all hands that the Mahabharata age was not free from the pernicious practice of *Sati* and in the upper strata of the society it was an invariable custom.

<sup>1</sup> Mahabharata Adiparva, 125—30.

It is in the Smritis of the later times that we see the practice of *Sati* being highly applauded as the surest way of redeeming the soul of a widow. According to Shankha a woman who follows her husband after his death dwells in heaven for as many years as there are hair on a human body.<sup>1</sup> Harita—another Smriti-Kara—observes that a woman practising self-immolation ennobles three lines, those of her father, mother and husband.<sup>2</sup> But he is positively against the practice being resorted to, by Brahman ladies. In his opinion, they burning themselves obstruct even the souls of their husbands, from entering into heaven.<sup>3</sup> Besides pregnant mothers also are barred from taking to the practice.

Gautama, Angira, Vyasa and other contemporary writers also have expressed similar views. According to them, post-cremation is a chief duty for women of all classes except the Brahmins. The last named law-giver by means of a parable of the pigeon, opines that a woman devoted to her husband, if after his death she enters the flames, is transported to heaven and there finds her husband.

The Greek writers, writing about ancient India do give evidence for the existence of the practice which they observe was undertaken

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1. Shankha, 2. Harita, 3. Ibid.

with pleasure. One Indian general in the Greek army is mentioned to have two wives, one of whom was pregnant, when her husband died in the battlefield. The other wife, it is stated, according to her country's custom, got prepared a pyre in which she placed herself along with the body of her deceased beloved and courted death with smiles beaming on her face.

## 2. THE RELIGIOUS STATUS OF WOMEN

### CHAPTER VIII

#### The religion of women

A wife in ancient India was known as *Sahadharmini*<sup>1</sup>. In other words she was held to be one with her husband, not only physically but spiritually as well. Consequently all the religious duties performed by a husband were equally shared by his wife. Therefore there could be no question of a woman's professing any distinct faith or religious belief. In fact in the early stages of India's history, there were no such diversity of religions and multiplicity of creeds as are visible in the present days. There was one and only one supreme principle, that of the Holy Vedas to which all men and women universally subscribed. Necessarily, there were no such phenomena as religious liberty, freedom of worship, right of religious

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1. The English expression 'better half' has an equivalent in Sanskrit i.e., 'Ardhangini', which means 'one-half.' This idea is based on Manu (I-32) which says that Brahma—the creator, having divided his own body into two became male by one-half and female by the other half. So divided, man and woman become a perfect person, only when again joined in wedlock. Then alone they can perform religious ceremonies effectively.

association and so on. There were no conflicts, no clashes, no occasions for bitter feelings in any matter concerning the religion. If we draw before ourselves the calm picture of a regime, when perfect religious tranquility was the rule, when there were no communal bickerings, no sectional fightings, no bloody wars, no assassinations, no divisions and no conglomeration of heterogenous beliefs and professions, we feel to be transported to a land full of heavenly bliss. Certainly all were living in an ideal state of perfect peace and harmony. Men with women were discharging their spiritual obligations, quite conscientiously, always helping one another and sharing one another's gains and losses. Being one in body and one in soul they could not move but together. In every performance, it was surely the husband who took the initiative, but the wife followed him without fail. No religious deed was complete unless and until both of them conjointly acted to finish it.

The most salient feature of the religious life in ancient India was the performing of sacrifices. Indeed we hear so much about sacrifices in the extant sacred and secular literature that we sometimes feel persuaded to believe that the corporate activities of the early Aryans were chiefly confined to the performance of these sacrifices only.

The Brahmans which are essentially treatises on ancient rituals give a very faithful picture of the religious conditions which obtained in the old ages. One of the six systems of philosophy, *viz.*, Purva Mimansa also devotes itself entirely to the exposition and explanation of sacrifices only. It goes deep into the metaphysics of sacrificial rites and their resulting effects and consequences. The elaborate style and the minute details in which the right conducting of sacrifices is laid down, leave us in no doubt that the religious life of the early Aryans constituted mainly the performance of sacrifices which it is further clear, lasted for days, months and even years. Every household possessed a sacred fire of its own, named *Garhpatyagni* which was never to be extinguished. Besides, all the social festivals and other occasions of rejoicings were generally accompanied by the performance of sacrifices.

It is interesting in this connection to observe that women equally took part in sacrifices with men. After the perusal of a few passages of Rigveda, it is substantially correct to hold that the female sex was as much advanced in this aspect of religious life as the male sex. That husbands attended sacrifices generally accompanied by their wives, will be clear from the following :—

'Nigh they, *Holy ones*, approached one minded *with their spouses*, kneeling to him, adorable paid worship.'<sup>1</sup>

'Praiseworthy blessing hast thou, Indra, laid upon the pair, who with uplifted hands, serve thee, *man and wife*.'<sup>2</sup>

'Couples, desirous of thine aid are storming thee O Indra'.<sup>3</sup>

'Agni, great vital power is thine, *pairs* waxing old in their devotion see thee'.<sup>4</sup>

In one verse it is very unambiguously said that from olden times the matrons go to feasts and general sacrifices.<sup>5</sup>

In the Brahman literature the presence of wife has been made indispensable for the accomplishment of a sacrifice. The theory that a man without wife is incomplete has its origin in the idea that a sacrifice without wife is incomplete. According to Vajsenaya Brahman a *man continues to be half* as long as he remains bachelor, but after marrying a wife he gets complete and as such there lies no distinction between man and woman.<sup>6</sup> Being two parts of one and

1. Rigveda, I-72-5. 2. *Ibid*, I-83-3,

3. *Ibid*, I-131-3, 4. *Ibid*, IV-43-15.

5. *Ibid*, X-86-10.

6. Vajsenaya Brahman, quoted by Kulluka on Manu IX-44. Also Taittireya Brahman, (I-8-23).

the same whole they become also one spiritually and their religious acts get indistinguishable. The sacrifices and their ensuing good or bad consequences must devolve on both the husband and wife, for both of them were mutually responsible for the performance of sacrifices.

In case a man prefers to remain a bachelor throughout the life, how is he to perform sacrifices? Similarly if the wife of a man be dead, how is he to perform sacrifices? These questions are answered by Aitareya Brahman in a very clear passage laying down that in the two cases mentioned above, a man should imagine, *Shradha* as his wife and *Satya* as his *Yajmana*. And with such an excellent pair as faith and truth he will certainly obtain heaven.<sup>1</sup> The Shatapatha Brahman also makes the association of wife as an indispensable condition precedent of the performance of a sacrifice.

In the time of Upanishadas the religious life of the country seems to have assumed a different direction. The intellectual classes appear to have diverted their attention from the active to the speculative phase of the

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1. Aitareya Brahman, VII—10.

According to a rule of Panini's grammar (IV—1—33) a wife was known as *Paini* only because she was partner of the sacrifices of her husband.

religion. To them the riddles of the universe were getting more attractive than the monotonous transactions of daily rituals. The sages went to far-off forest-retreats and spent their lives in searching after the supreme truth and solving the mysteries of the creation. Occasionally they gathered in congregations and exchanged their thoughts on some puzzling questions of philosophy. The *Brihadaranyaka Upanishada* records such assemblies convened by that royal monk, Raja Janaka of Mithila. The discussions that took place in them indicate clearly the trend of religious life, generally obtaining in those ages. It were no mundane affairs concerning the throne or the state, that were hotly debated in the august conferences, but it were the deep controversies regarding the invisible, the imperceptible world beyond.

It is in this very connection that we hear about the names of many *Brahmavadini* ladies like Lopa Mudra, Gargi and Maitrayi, who took part in the controversies and displayed wonderful knowledge of the great religious matters. That women could be capable of standing with men in discussions of abstruse metaphysical subjects, is an important evidence which indicates that so far the attainment of religious wisdom is concerned, women were by no means lagging behind men. At least

in the ages represented by the Upanishadas, the religious status occupied by women was that of equality with men and certainly not of inferiority, which it became in the later ages.

Manu, while adhering to the doctrine of woman's inseparability with man in religious matters assigns a decidedly inferior place to women. According to him no sacramental rite is performed for women with the sacred texts.<sup>1</sup> He explicitly forbids a girl and a married woman to offer an *Agni-hotra*, for by offering burnt oblations, they sink into hell.<sup>2</sup> In another place he clearly observes that in religious affairs a woman is subordinate to man. Whatever be the qualities of the man with whom a woman is united according to the law, such qualities even she assumes like a river united with the ocean.<sup>3</sup> Again 'No sacrifice, no vow, no fast must be observed by women apart from their husbands.'<sup>4</sup> Gautama also supports Manu in this respect by laying down that 'A wife is not independent with regard to the fulfilment of the sacred law.'<sup>5</sup>

Even the recitation of Vedic hymns is forbidden in the case of women.<sup>6</sup> The religious ceremonies that were performed at the birth

1. Manu, IX—18. 2. *Ibid*, XI—36.
3. *Ibid*, IX—22. 4. *Ibid*, V—155.
5. Gautama, XVIII—1. 6. Manu—II—66.

of a son were performed at that of a daughter with silent prayers and no utterance of sacred verses. Besides the female issues had to undergo smaller number of religious rites than the male children. Except the marriage ceremony we do not come across a detailed mention of any other *Sanskara* for women. This was perhaps due to the assumption that woman had no separate entity of her own and in all religious matters she was to be subordinate to man.

Yajnavalkya also is of the opinion that all religious rites in case of a woman must be carried out with silence. The marriage ceremony only should be conducted with the recitation of the sacred texts.<sup>1</sup>

The law-giver reiterates the old proposition that women have no distinct religion of theirs own but that the faith of their husbands is the faith professed by themselves. Further it is suggested that in the case of plurality of wives, the husband's faith is shared by the seniormost wife only, the rest taking no part in his religious observances. In other words women who had the misfortune of filling secondary places in their husbands' homes, had absolutely no faith to profess, no creed to believe in, and no religious rites to perform. This is indeed a very

1. Yajnavalkya I-488.

humiliating position in which members of the female sex were placed by our ancient law-givers.

The Mahabharata makes the position still more disgraceful. According to its injunctions, "Women are gifted with the most powerful senses. They have no scriptures to follow and that they are living lies. Beds, seats, ornaments, food and drink and absence of all that is respectable and righteous, indulgence in disagreeable words and love of sexual companionship—these were bestowed by Brahma upon women."<sup>1</sup> Again, " women have no sacrifices ordained for them. There are no *Shradhas* which they are called upon to perform. They are not required to observe any fast. To serve and worship their husbands with respect and obedience, form their only duty. Through the transaction of that duty only they succeed in conquering heaven."<sup>2</sup>

In the post-epic ages also, no high religious status is assigned to women. As before, the female sex is treated with diffidence and disbelief in matters of spiritual importance. In the opinion of Shukra, a post-epic authority women are not entitled to offer prayers, to practise penances, to undertake pilgrimages, to dwell in forests, to recite Vedic *mantras* and to worship gods. For them there is no fulfilment of

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1. Mahabharata Anushasan Parva, 40—11, 12.

2. *Ibid.*, 46—13.

*trivarga*, i.e., religion, profit and pleasure, except in the company of their lawful husbands.<sup>1</sup> Atri,<sup>2</sup> a Smritikara of the later times goes one step further and observe that a Shudra and a woman performing any of the above virtuous acts without their lords, fall into hell for eternity. Again a wife who observes even a fast separately, while her husband is living, causes injury to his life and herself is irredeemably lost in sins.

The old practice that a woman must be associated with her husband in sacrifices, seems to be preserved intact from the early Vedic period down to the ages of the post-epic literature. It has been already stated that the verdict of the Brahmans, is very clear in this matter. They do not forbear even a moment's separation of woman from man while the latter is performing a sacrifice. Even if a man's wife be in season, she is not to be exempted from sitting in the sacrifice. According to Gopatha Brahman she is to be sanctified with cooked frumenty and then allowed to accompany her husband in conducting sacrificial rites.<sup>3</sup> In the time of Ramayana also we observe that no sacrifice was undertaken unless husbands were present with their wives.<sup>4</sup> Katyayana—a Smritikara

1. Shukla. 2. Atri.—134. 3. Gopatha Brahman, 10-21. 4. Ramayana (Balakanda, XIII).—4.

alluding to the indispensability of woman's association with man in religious ceremonies, says that in the absence of his wife, a husband must procure her presence even by an image as did Rama in the absence of Sita his legal spouse.<sup>1</sup> It is for the performance of religious duties only, that the Dharma Shastras sanction remarriage for men, in case their previous wife or wives died. Apastamba in a clear passage lays down that a man should marry a second, a third and a fourth time in order to take the wife with him to Agnihotra.<sup>2</sup>

As regards the ultimate objective of human life, *i.e.*, the attainment of salvation, women seem again not to be associated with men. Except in the time of Upanishadas, we do not much hear about the existence of lady-rishis in any other period. Though the sages and the recluses were often accompanied by their wives, yet the duties discharged by them were more of the nature of serving women than of equal associates on the path of virtue. Generally the females were held to be incapable of higher spiritual attainments ; the only religious acts allotted to them, were faithful obedience and constant devotion to their husbands whether in the household or in the forest-retreats, practising austerities.

1. Katyayana, III-9,15. 2. Apastamba, II-5,11,13.

It is in a work of the later epic-ages that we for once meet with a lady—Devahuti by name, who is mentioned to be observing severe penances by herself in order to obtain salvation. In a prayer to the lord she exclaims in emotions of devout reverence that she be endowed with worthiness to realize the aim of her life, the consummation of human existence. Though she being a woman is infirm by nature, yet she hopes to achieve her object with the help of the Lord's beneficent kindness and of her own resolute will and determination.<sup>1</sup>

To sum up, the religious status enjoyed by women in ancient India was by no means always disgraceful. It is clear from the foregoing paragraph, that at times they had full rights of self-manifestation in religious matters.<sup>2</sup> Even in the ages when their general status had much deteriorated, their religious position had not sunk so low as that of their sisters in the Europe of

1. Bhagavata Skandha, III—25—29, 30.

In Bhagavat Gita also, the Lord has declared that women, by leading an ascetic life in the performance of duties without desire, may purify their minds and acquire divine knowledge, which may procure for them final beatitude. "Oh Arjuna," Thus addresses Shri Krishna, "By placing their reliance on me, women and those of the lower classes of Vaishya and Shudra may obtain the highest exaltation." (IX—32).

2. Maitreya, VI—1—8.

mediaeval times, when by a congregation of the dignitories of the Christian church, it was unanimously decided, that there was no necessity of any religion for women as they had no soul. In India, woman has been throughout treated as an indistinguishable part of man. Consequently her religious destiny has been linked with him from the dawn of the Aryan civilization, down to the present age. She has never been denied the need of having a religion though undoubtedly her separate entity in religious affairs has not been acknowledged. We therefore conclude that the religious status of women was identical with that of men, only with the difference that the latter had as usual, the determining voice in settling the ways of former's lives.

## CHAPTER IX

### THE EDUCATION OF WOMEN

In treating of the religious status of women we are brought to the consideration of another relevant question, that of the education of women. As the receiving of education in ancient India, meant the learning of the four Vedas and other sacred literature at the feet of holy preceptors, it was therefore regarded as a great religious privilege reserved for the high born classes only. Here, we are concerned mainly with the enquiry, whether the members of the gentler sex were allowed the right of getting the knowledge of, the Vedic scriptures and other secular sciences, whichever existed in those ages. It appears that in the Vedic period women were on an equal footing with men in the matter of receiving the knowledge of the sacred literature. Had this not been the case we would never have come across the illustrious names of many lady-rishis who preached the message of the Vedas from place to place. They not only expounded hymns, but also performed sacrifices like priests, offered oblations to the gods and won honourable places in the galaxy

of the noble singers and occupied glorious niches in the temple of fame. To cite a few examples only we may mention the princess Ghosha who was a celebrated seer of many Rigvedic texts.<sup>1</sup> So were Lopamudra, Mamta, Upala, Surya, Indrani, Shachi, Sarparajni<sup>2</sup> and Vishvavara.<sup>3</sup> The last named lady not only expounded verses in praise of Agni, but even discharged the function of a Ritvika or priest at a sacrifice,<sup>4</sup> a privilege which was denied to a woman in later ages by a jealous, illiberal and selfish priestcraft.

Those who are conversant with the technique of Brahmacharya, fully understand that in ancient India it did not imply merely the observance of a vow of celibacy but the initiation in the study of the Vedas and Vedangas. A pupil's entrance in the Brahmacharya Ashram was generally celebrated with the ceremony of wearing the sacred thread, popularly known as the upanayan sanskara. After the wearing of the thread a Brahmachari or a student regularly began the learn-

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1. Rigveda, I—117 and X—39, 40.

2. *Ibid*, X—189. 3. *Ibid*, V—28.

About Vishvavara K. C. Macdonald writes " She was not only a Rishi, composer of Riks, but also a priestess, discharging the priestly office, worshipping the gods at dawn with hymns and oblations."

4. Rigveda, V—28—1.

ing of the holy scriptures. This *vedarambha* was an essential characteristic of his *Brahmacharya*-life.

In the Vedic and the post-Vedic literature we find ample evidence that women too underwent the stage of *Brahmacharya*<sup>1</sup> along with men. In other words the young maidens were given equal opportunities of receiving education and studying the different branches of knowledge. There were families of preceptors known as *Gurukulas* where female students used to reside with their *Acharyas* and receive education along with their brother-pupils. For instance, Atreyi in the ages of Ramayana is mentioned as a student of *Vedanta* in the *Ashrama* of Valmiki along with Lava and Kusha.<sup>2</sup> Ashvalayana *Grihya Sutra*<sup>3</sup> also clearly maintains that the *Brahmacharya*<sup>4</sup> is equally prescribed for men as well as women. A maiden according to *Atharva Veda*, after completing her *Brahmacharya* only, is entitled to marrying a husband.<sup>5</sup>

1. *Atharva Veda*, XI—7—20.
2. *Ramayana* *Uttar Ram Charit*.
3. *Ashvalayan*, *Shraut Sutra*, *Samanam Brahmacharyam*.
4. *Sayana*, 11—7—17.

It should be remembered that *Brahmacharya* always includes study of the *Vedas*. *Sayana* defines it so in his commentary on the above.

5. *Atharva Veda*, XI—3—18.

As regards the wearing of the sacred thread, which was an insignia of the beginning of studies, we observe that women too had the right to wear it. Thus in the Gobhila Grihya Sutra,<sup>1</sup> it is said that the *Purohita* may bring the maiden decently clothed and wearing the *sacred thread*, to the altar and pronounce the *Mantra*. In *Paraskara*<sup>2</sup> also there is a reference to ladies who underwent the initiation ceremony and studied the *Vedas*. *Harita*, another law-giver, alluding to the ancient ages says that there were two kinds of women—firstly those who devoted themselves to the study of the *Vedas* and secondly those who married at an early age and passed to the household-life. He further adds that women of the first order generally underwent the *Upanayan* ceremony and used to wear the *sacred thread*.<sup>3</sup>

Those who are of the opinion that in the early *Vedic* ages women were barred even from the uttering of the *Vedic* texts, will find it inconvenient to explain away the passages in the *Sutra* literature wherein women are required to recite *Mantras* while performing certain religious rites or undergoing some sacred ceremonies.<sup>4</sup>

1. *Gobhila Grihya Sutra*, II—1—19. 2. *Paraskara Striya Upanita Anupanitashch.* 3. *Harit. Doividha Striyo, Brahmavidnye Sadyo budhvash ch.* 4. *Shraut Sutra, Imam Mantram Patni Pathot.*

*Gobhila* also records that a woman should learn the

Besides, very clear proofs are supplied by the same literature which indicates that women were equally learned in all spiritual and mundane sciences, with men. Thus Apastamba observes "that the knowledge which women possess, is the completion of all study."<sup>1</sup> Again closing a discourse on the duties of a householder he adds "that the remaining duties which have not been taught here, must be learnt from women and men of all castes."<sup>2</sup>

Moreover there are repeated references to the word *Acharya*<sup>3</sup> in Apastamba, which according to the lexicon of Amar Singh, means one who herself is capable of expounding the hymns of the Vedas. In plain English an *Acharya* may be taken as a lady-perceptor who undertook the duty of initiating the uninitiated in the study of the holy scriptures. The word used in the sense of a wife to the *Guru*, was *Acharyani*. An *Acharyani* was not necessarily always a highly educated woman but an *Acharya* certainly was. In the passage mentioned above the word occurring

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science of rituals as to enable her to perform her sacrificial duties (1—3—15).

1. Apastamba, II—11—29—12. 2. *Ibid*, II—29—15.

3. *Amarakosha*, *Syadacharyapi Swata Swayam  
Vidya, Vidyayani*.

is *Acharya*—a fact which obviously indicates the existence of a social system wherein women had equal opportunities of self-expression and self-development. Likewise another word frequently occurring in the Sutra literature is *Upadhyaya*<sup>1</sup> which again as distinct from *Upadhyayani*, means according to *Amara Kosha*, one who herself discourses on knowledge. This is another indication that women in ancient India filled a very high religious status and were even respected as spiritual preceptors and teachers. The reverence for women in this direction seems to have so much deepened in the hearts of the early Aryans that they felt induced to personify the knowledge itself by the name of a female goddess, *Saraswati*.

When we make a survey of the woman's educational position in the time of *Upanishadas*<sup>2</sup> we irresistibly feel an inward exhilaration. To us the very picture of the royal assemblies, which gathered for the purpose of discussing abstruse metaphysical questions and ascertaining truth about the imperceptible world, and wherein women too had an honourable part to play, is enough to convince that the woman's status—so far as the pursuing of

1. *Amar Kosha Upadhyaya Swayam Vidyopadeshini.*

2. *Brihadayanyaka Upanishad.*

higher attainments was concerned—was perfectly respectable and worthy of just and honest pride.

Janaka, the celebrated sage-monarch who organised such religious conventions was himself the most well-read in the *Vedas*, *Brahmishta* or *Anuchanatana*. Besides, the many presents, offered by him to the priests, he enclosed a thousand cows near the place of sacrifice and fastened ten *padas* (a measurement) of the gold in the horns of each. Addressing the assembly to which Brahmanas had come from distant kingdoms, the King said, "Ye venerable Brahamanas, he who among you, is the wisest, let him drive away these cows." No one dared to respond to the bold challenge till Yajnavalkya told one of his pupils to drive away the cows to his house. An angry murmur followed, in the midst of which Ashvala the *hotri*-priest of Janaka rose and said to the intrepid acceptor of the challenge, 'Are you indeed the wisest among us, O Yajnavalkya', to which Yajnavalkya cleverly replied, 'I bow down before the wisest, but I wish indeed to have these cows.'

This was a hint given in a modest way that any question on Vedic ritual and theology might be put to him and his learning tested thereupon. 'No fewer than eight inter-

locutors responded to the invitation and the philosopher answered and silenced every one of them. Among them, one was Gargi who confronted the sage twice. It seems that Gargi was equal in age and social position to Yajnavalkya and perhaps studied with him in the same Ashrama. *Pandit Sita Nath Tatvabhusan*<sup>1</sup> in his lectures on the theism of Upanishads, after giving the above description, expresses his opinion that co-education of men and women in ancient India was common. We may give here a few instances of Gargi's wisdom and the bold stand she made against the sage Yajnavalkya. Says she, though a woman, 'O Yajnavalkya, as the son of a warrior from Kashi or Videha might string his loosened bow, take two pointed foe-piercing arrows in his hand and rise to do battle, so have I risen to fight thee with two questions. Answer me these questions.'<sup>2</sup>

The first question of Gargi relates to the most universal attribute<sup>3</sup> of all sensuous things and Yajnavalkya's answer to it is, as would be expected, space or extension. With the answer we are not much concerned here. It is Vachanavi Gargi, who again puts a string of

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1. The Theism of the Upanishadas, pp. 20.

2. Brihadaranyaka.

3. Brihadaranyaka Upanishad.

questions by asking, "In what then is the space woven?"<sup>1</sup> and so on. At last cross-examined by Gargi's searching enquiries Yajnavalkya exclaims, "O Gargi do not ask me much."<sup>2</sup> Then the great woman-speaker puts an end to her discourse and resumes silence.

Another *Brahmavadini*-lady in Upanishadas' time was Maitreyi—the wife of Yajnavalkya himself. The *Rishi* had the fortune or misfortune of having two wives, Maitreyi and Katyayani. This embarrassing position was, however, somewhat relieved by a happy division of endowments and we may expect of duties and functions also between the ladies. Maitreyi, as has been observed already, was a *Brahmavadini*—one devoted to the study of theology—while Katyayani was, we are assured a *striprajna*—one versed in matters peculiar to women—matters relating to the domestic life, we may suppose.

When the time came for Yajnavalkya to enter into the third *Ashrama*, that is, *Vanaprastha* or forest life, he proposed to make a division of his property between the co-wives. Maitreyi had little interest in worldly affairs. Perhaps she was childless and she was saddened by the thought that even up to the time of her sage husband's retirement from worldly life she had not learned anything from him on morality.

<sup>1</sup> *Madanayaka Upanishad*. 2. *Ibid*, Gargi Ma Atiprakshi.

When therefore it was proposed to settle a part of property on her, she is said to have asked with striking simplicity :—" My Lord, if this whole earth, full of wealth belonged to me, tell me should I be immortal by it ?"<sup>1</sup>

Being answered<sup>2</sup> that like the life of the rich people would be her life, but there was no hope of immortality by wealth. Maitreyi again said:—

" What should I do with that by which I should not become immortal. What ye know, sir, of immortality please tell that to me ?"<sup>3</sup>

Yajnavalkya was overwhelmed with joy by this answer of his dear wife and said that by this she had increased his love for her. *Pandit Sita Nath Tatvabhusan* after drawing the above picture interrogates that how many wives of the present age would give such an answer and put such a question to their husbands and how many husbands would be found fit to be thus addressec by their wives.<sup>4</sup>

Certainly the above account is enough to make it clear that in the time of Upanishadas, women enjoyed equal facilities with men, for receiving the highest education that existed in those ages. The knowledge of the metaphysical

1. Brihadaranyaka. 2. *Ibid.*

3. *Ibid.* 4. "The Theism of the Upanishadas"  
p. 25.

science was treated as the noblest literary accomplishment, that an individual could acquire. We find that women never lagged behind men in this respect and sometimes even outshone them. The number of *Brahmavadini*-ladies was by no means small, an incomplete list<sup>1</sup> of whom is still preserved in three couplets of interesting reading. Though a detailed mention of the literary activities of these lady-*Rishis* is not available yet their very names are a sufficient proof for the existence of a high social order in which women had equal rights with men for pursuing advanced theological studies and even accomplishing big intellectual feats.

In the epic-time also the spiritual welfare of women does not seem to be neglected. Thus in *Ramayana*, Kaushalya is mentioned to be '*Maniravit*', or one who is well-versed in study of the *Vedas*.<sup>2</sup> About Tara, the wife of Bali also, the same qualifying word is repeated, denoting the fact that women were generally initiated in the

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1. *Godha Ghosha Vishvavara, Palopanishit Nishat, Brahmajaya Juhu namni—Agastyasya swasaditi. Indrani Chendramata ch—Saranya Romasorvashi. Lopamudra ch Nadyashich, Yami Chapi hi shashvatou. Shri Laksha Sarparajni, Vak Shradha Medha ch Dakshina. Ratri Surya ch Savitri, Brahmavadinya R Rita.* 2. *Ramayana*, II—20—75.

teachings of the Vedic lore.<sup>1</sup> Sulabha, another lady of spiritual eminence in an answer to Raja Janaka, relates the story of her life and tells that she had spent all her time in acquiring the knowledge of the sacred scriptures and for the same end she had resolved not to marry.<sup>2</sup>

In Mahabharata, Draupadi is referred to as '*Pandita*'<sup>3</sup> (the learned) and in her famous dialogue with Yudhishthira, she appears to be a woman of considerable erudition and scholarship.

But all this was, in the opinion of the renowned epic-scholar C. V. Vaidya, an exceptional phenomenon, for Draupadi herself admits that she received the learning from a *Rishi* while at her father's house. Mr. Vaidya further holds<sup>4</sup> that women of the three privileged castes were entitled to acquire only rudiments of knowledge to enable them to read some religious stories and *gathas*. The holy Vedic scriptures were held to be beyond their ken and therefore they were strictly prohibited from undertaking study of the sacred lore. However in the *Virat Parva*<sup>5</sup>

1. *Ramayana*, Kishkindha—16—12.
2. *Mahabharata*, Shanti Parva 321—83.
3. *Ibid*, Vana Parva Ch. 27.
4. *Mahabharata* Mimansa, p. 215.
5. *Mahabharata*, Virat Parva, Ch. 22.

mention is made of Kshatriya women, who were initiated in the study of fine arts such as music and dancing. But for all practical purposes, such training was reserved for the aristocratic few and women in general had to go without such luxury.

But as we proceed onward with the time, we find that spiritual cravings in women were treated as things of no consequence and they were practically denied opportunities of self-development. By the prevalence of the pernicious custom of child-marriages the intellectual capacities of the female sex were throttled in infancy. How for instance, a maiden could have the time for her schooling when she was to be married away, according to Manu, at the tender age of twelve or eight. In fact in the age of *Dharamashastras* the girl-students seem almost to have disappeared. We do not find any reference in the Smriti-literature to such *Gurukulas* wherein female pupils received their education. We do not also meet with such a word as *Brahmacharini* anywhere in the codes of Manu and Yajnavalkya who otherwise devote chapters after chapters to the exposition of the duties of a boy-student.

The truth is that the people had lost all respect for womanhood. The very conception

of a woman's existence had changed. In the age of Smritis, women were turned into mere playthings. They were pre-ordained for procreation. They had no other function. They were excluded from education because their marriage could not be put off. As soon as they emerged from their cradle, they were yoked with men to help them in the attainment of virtue. For them there was no study of the holy scriptures, no initiation ceremony, no religious rites, no sacrifices etc., for verily all these were performed by their husbands for them. Manu declares that 'marriage of girls forms their initiation into the study of the Vedas, serving the husband is their studying at an *Ashrama* and domestic duties are the substitutes for daily rites such as *Sandhyavandana* and *Agnihotra*.'<sup>1</sup>

With such ideas of social convenience, it is impossible to imagine a different position of women from what has been depicted above. A girl must be married away by her father at the *proper time*, such was the ordinance of the ancient law-givers. At the time of her marriage no consideration of her educational qualifications was made at all. According to Yajnavalkya she was to be 'virgin, handsome and not of the same caste or related to the bridegroom upto the seventh degree'.<sup>2</sup> But there is

1. *Manu*, II-67. 2. *Yajnavalkya*, I- 51.

no mention that she should be also well-read and well-accomplished before she is married. Manu as well, is reticent in this respect.<sup>1</sup> He too does not make illiteracy as a disqualification for a girl to marry. Likewise, Shukra<sup>2</sup>, who otherwise is very particular that a bridegroom must be highly educated before marriage, does not lay down literacy as a condition for a bride's marriage. All this conscious or unconscious omission on the part of the law-givers unmistakably proves that the education of women was being cruelly neglected in the later times. Harita, one of the Smritikaras of the later ages, also refers to the education of women as a thing of the past. He himself however permits education of young girls on the condition that they are taught by their own parents, brothers or any other relative in the house.<sup>3</sup>

It is perhaps due to the above injunctions that we do not find any mention of girl-students in any account of the universities of the mediæval ages. The seats of learning like Taxila and Nalanda with thousands of male disciples on their rolls do not appear to have had arrangements for the female education. The same reasons also explain the dearth of women scholars in the later ages. The lady-*Rishis* of

1. Manu, III—8. 2. Shukra, III—173.

3. Harita Smriti.

the Upanishada-times seem to have gone into complete extinction, only because women were being denied their appropriate religious status and their spiritual elevation was absolutely not being attended to.<sup>1</sup>

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1. Megasthenes however observes about his time that women pursued philosophy with men and abstained from sexual intercourse. (Megasthenes Frag. XXI.)

## CHAPTER X

### 3. THE POLITICAL STATUS OF WOMEN

Before attempting to study the legal position of women we may make a brief mention of the political conditions in ancient India as they especially affected the status of the female sex. To be frank, the national life in the by-gone ages was very simple, almost free from the complexities of the modern world. Generally we do not much hear of the existence of such political phenomena as democratic constitutions, big assemblies, fundamental rights of the people, statutory safeguards, imperial conferences, international relations and so on. There being no representative system of government, naturally there could arise no question of womens' franchise or even of the adult suffrage for men. When the male population had no political rights of its own to exercise, how could the female sex have any separate political status. However, we are not prepared to believe that even under the autocratic administration, generally obtaining in ancient India, men and women had any serious grievances or political disabilities. All ~~the~~ <sup>the</sup> ~~male~~ <sup>the</sup> ~~female~~ <sup>the</sup> ~~population~~ <sup>the</sup> ~~had~~ <sup>had</sup> full rights of,

holds consultations.<sup>1</sup> In the Vedic times also women seem to have been excluded from *Sabhas* or assemblies. Besides the reason of general distrust in women's capacity as counsellors, Dr. Das believes that the above phenomenon was also probably due to the fact that dicing and even wine were sometimes indulged in, by the members (Rv. VII—46—6) which made the *Sabhas* noisy and rowdy (Rv. VIII—2—12). Hence an Assembly was not regarded as a fit place for a woman to go to, though there is a passage of doubtful significance in the Rigveda (Rv. 1—167—3) which would seem to suggest that women also sometimes attended the sittings on important occasions, when its proceedings were conducted with dignity and decorum.

In the enumeration of ministers for a King's Council which generally performed functions of advisory nature, we do not come across a suggestion by the ancient law-givers that women too should be appointed as ministers in the Council. Of the eight executive officers of the Crown mentioned by Shukra<sup>2</sup> as well as Manu,<sup>3</sup> not one of them is suggested to be a woman. The reasons, for the exclusion of women, as given

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1. Mahabharata Shanti Parva, 73—55.

2. Shukraniti. II—73. 3. Manusmriti. VII—54.

by the latter, are that they divulge secrets of the state and are incapable of offering any sound advice<sup>1</sup> on complicated problems of government. Chanakya, the reputed authority on ancient Indian Polity also, does not make any specific recommendation that women to should be confided with duties of the state.

{ 'The truth is, that in ancient India, women were never thought fit for any other sphere than the household life. The intricate questions of administration and government were held to be beyond their comprehension. All that they could understand and grasp, was the management of homes where they were supreme rulers, governors, sovereigns and what not. Beyond the four walls of their houses they had no duty to perform, no business to meddle in.' This is the verdict of the sacred texts—a reference to the hymns on marriage in Rigveda and Atharv Veda can make the point clear. The repeated word *Garhapatya* in connection with the married life of a woman amply bears out the idea that the home was the only sphere wherein activities of women were primarily centred. Thus the bridegroom ~~and~~ dressing his would-be wife before the nuptial fire says, "The Lord of life hast given thee ~~the~~ me for discharging the household duties. Thou art to be my wedded wife for procreation in the

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1. Manu, VII—55.

household. Come thou to the house of thy husband with the choicest blessings of the Supreme Father."<sup>1</sup>

From the above quotation, it is abundantly plain that the only object of a woman's existence was the increasing of her husband's family and performing such domestic duties as were conducive to the welfare of the house. In an unambiguous verse of Atharva Veda the ideal of marriage is stated in so many words that 'God united the couple so that the wife might beget progeny for her lord and multiply the same, remaining always in the house.'<sup>2</sup>

It appears that women though prevented from undertaking tasks outside the boundaries of the house, did devote themselves, by way of diversion, to certain callings or avocations in the house. One of these was the spinning and weaving of clothes, an industry which from the times of yore is still a domestic concern in the country. In the Atharva Veda as well as the Rigveda there are clear indications that even at the dawn of the Aryan civilization the cloth-manufacturing was treated as a task of women who generally made it a point that their husbands and offspring put

1. Rigveda, X—85, 86. Also Atharva Veda XIV—2—18.

2. Atharva Veda, VI—81—3.

on clothes prepared by themselves.<sup>1</sup> The cloth-making indeed was a healthy by-occupation which necessitated no great intellectual skill or no heavy physical exertion. The industry could easily be undertaken in the house wherein even young ones could help their mothers. It is certain that in ancient India, women alone manufactured clothes and met the demand of the country in this respect on a large scale.

Another avocation of women was agriculture. In this they assisted their husbands, who generally went to fields and performed hard duties themselves, leaving the tending of cows, oxen and other cattle to the weaker sex.<sup>2</sup> This co-operation of women with men was very much appreciated on grounds of economy as well as of conjugal happiness which it engendered. In the later ages, however, women being shut up in houses, were denied the privilege of assisting their husbands in the professions and occupations which they pursued. According to Shukra, only Shudra wives are to associate themselves with <sup>and</sup> ~~the~~ professions of their husbands, the twice-born.

1. Atharva, X—7—47. Also XIV—2—5 and Rigveda, V—47—6. Also Shatapatha, 12—7—3—2. *Tadvai etad Strimam Karma—Yat Karpas-sutram Yat Urna-sutram.* 2. *Ibid.*, VI—59.

ladies are not to accompany men in their vocational pursuits, their only duty being confined to the household.<sup>1</sup>

As has been pointed above, women were never thought fit to go beyond the limits of the domestic life. They seldom participated in corporate activities of men. The political upheavals taking place in the country affected them the least. The change of government and the external tribal attacks, which were common in those days, did not disturb the even tenor of their smooth-sailing life. It was not their concern to see that their country was properly guarded against enemies. For them there was no military education as they were thought to be physically unfit for such acquisition. They were treated as too tender, too delicate in constitution, to accomplish such feats as bearing of arms, undergoing the stern discipline of war and accompanying men in fields of battle.<sup>2</sup>

This was certainly the state of affairs in the post-Vedic ages. In the Vedic times

1. Shukra, IV—4—27. 41 9-11 2 21 19 b

2. In the times chronicled by Megasthenes women appear to accompany men in chases. "Of the women some sat on chariots, some on horses and some even on elephants and they were equipped with weapons of every kind, as if they were going on campaigns." Megasthenes Frag. XXVII.

we do find a few indications which present a different picture before our eyes. Thus we meet with one Vishpala, the queen of king Khela, who had lost her leg in a conflict and had it replaced with an iron one (*Ayas*) through the grace of the Ashvins.<sup>1</sup> Mudgalani or Indra Sena, wife of the sage Mudgala, helped her husband in the pursuit of robbers who had stolen their cows, drove the car for her husband when he was put in a tight corner and taking up her husband's bow and arrow gave them battles, defeated them and rescued the state property.<sup>2</sup> Again in the Rigveda, Saraswati—the goddess of speech—has been described as Vritraghni the killer of Vritra and is said to have taken part with Indra in his fight against that demon.<sup>3</sup> In a hymn of the same scripture, popularly known as the Devi-Sukta, Vak the goddess representing the Primordial Force of the Universe, says that she stretches her bow and fights for the good of mankind.<sup>4</sup> *ya*

These descriptions of fighting gods must have been inspired by actual near and examples of fighting women in that period of time. There must have been ladies in the evolution of the Aryan city the

1. Rigveda, I—112—10. 2. *Ibid*, X—1.

3. *Ibid*, V—61—7. 4. *Ibid*, X—125—300.

when it was necessary for all men and women to defend themselves and their property from attacks and aggressions, but in the course of time, the fighting came to be relegated to the sterner sex only, as women were not always free and physically fit or able to engage in a fight for a long time.

However, from the above description of women-warriors, we can safely infer that women played, by no means, an insignificant part in the political life of the Rigvedic Aryans and they received not only a high intellectual and spiritual, but also a vigorous physical training, equally with men whom they sometimes surpassed in bravery, intelligence and cleverness. There is a clear reference in the Rigveda<sup>1</sup> to women who went to wars, fully equipped with arms, and it may be surmised that some sort of military training was provided for them, by which they were able of becoming soldiers and fighters.

Plainly the political status of women in early Vedic ages was one of equality with that of men. In the succeeding ages are scanty indications which may prove the existence of female warriors. In Taitareya Brahman<sup>2</sup> an allusion is made to Indrani, who

Rigveda, V-30-9.

Taitareya Brahman, II-8-1.

is said to be a goddess of army. In Ramayana<sup>1</sup> there is the solitary instance of Kekayi who is mentioned to have accompanied her husband in a battle against enemies of Indra. In Mahabharata also, there is no reference to women taking part in the historic war. In the time of Shukra<sup>2</sup> however, it appears that women could fight if faced to one another. Otherwise men were forbidden to touch the person of a woman with weapons. They were even to abstain from counteracting the enemy's attack if they saw that a woman was to be hurt thereby. Generally women being treated as possessions were to be protected against aggressions by men like any other property.<sup>3</sup> Hence there could arise no question of women accompanying their husbands in wars and thus neglecting the household duties for which they were supposed to be born. It is in the days of Rajput-chivalry that we hear of many brave women like Padmini, Durgavati, Mahama and others who fought heroically for land of their birth and even laid down their lives at the altar of their country's freedom. In the revered memory of these gallant ladies a vast literature has been written by

1. Ramayana—Ayodhya Kanda.

2. Shukra, IV—3—58. 3. *Ibid*, IV—7—

western and Indian scholars. But as they belong to the mediæval ages of India's history the detailed mention of their high political status is beyond the range of investigation undertaken by us.

Before closing our remarks on the subject we should like to make a passing reference to one more aspect of women's life in ancient India, which will throw an interesting side-light on the position occupied by them in the political organisation of the country. We here allude to the part played by the gentler sex in the judicial administration obtaining in old ages. From a perusal of *Dharmashastras* it appears that it were kings themselves who from their royal thrones, after hearing the contending parties, pronounced judgments on civil and criminal disputes. Unlike the law of the modern times, the law in ancient ages was very simple and almost free from subtleties and complexities of an eluding nature. But the simplicity of law should never be mistaken for the looseness of administration of justice. On the other hand, inspite of perfect or imperfect methods of ascertaining the real facts, it was truth which was generally pronounced. The king was not alone a supreme judge of affairs but he was commonly assisted by his legal remembrancers and religious

counsellors in arriving at an exact conclusion.<sup>1</sup> The method of producing witnesses before the court was however pursued as in the present days. Generally witnesses were accustomed to speaking truth. Their evidences were never inspired or concocted for them by others. As regards women, with whom we are concerned more than with men, it is apparent that they were seldom called as witnesses. This might probably be due to the restrictions placed on their social freedom but another important reason was the distrustful attitude of men towards women. } The veracity of the female sex was often doubted. } According to Shukra, women being given to falsehood and sinfulness should not be made witnesses.<sup>2</sup> Again, "one man who is free from covetousness may be accepted as witness but not even many pure women, because their understanding is apt to waver."<sup>3</sup> Yajnavalkya too is not in favour of permitting women to appear as witnesses.<sup>4</sup> He also holds them as lies incarnate, a belief in which he is supported by a preceding authority *i.e.* Vashishtha.<sup>5</sup>

Manu, however, it may be stated, grants

1. Dr. P. N. Bannerjea's "Public Administration in Ancient India," p. 141. 2. Shukra, IV—5—191.

3. Manu, VIII—77. 4. Yajnavalkya, VIII—77.

5. Vashishtha, V—1—2.

the right of giving evidence to women in exceptional cases when qualified male witnesses are not available.<sup>1</sup> The other exception which he lays down is that women may appear for women, especially in disputes involving female matters.<sup>2</sup> Shukra also entertains exactly the same view.

Thus, it is obvious that the political rights of women in ancient India were limited. Apparently they were in conformity with the general status enjoyed by women in other spheres.

1. *Manu*, VIII—76. 2. *Ibid*, VIII—78.

## 4. THE LEGAL STATUS OF WOMEN

### CHAPTER XI

#### Their Right of Inheritance

In the following two chapters we propose, very briefly indeed, to discuss the legal position occupied by women in ancient India. It appears that at the early stage of social evolution women were treated as chattels. They had no rights of their own. They were generally thought to be inherently incapable of holding any property. The Hindu females lived as slaves in their 'husband's household. In the later time they could be bought and sold<sup>1</sup> and conceivably let out for enjoyment.<sup>2</sup> The position of women is summed up in the two texts, one from Bodhayana and another from Katyayana, which are cited by all later commentators as the last word on woman's capacity and her legal rights.<sup>3</sup> The first authority lays down that "the Veda declares therefore, that women are devoid of the senses and incompetent to inherit."<sup>4</sup> Katyayana observes, "Let the childless widow preserv-

<sup>1</sup> Narada, XII, 19. <sup>2</sup> Vishnu, VI, 54.  
<sup>3</sup> Bodhayana, II, 1, 17, 1.

ing unsullied the bed of her lord and abiding with her venerable protector, enjoy with moderation the property until her death. After her death, let the heirs take it. But she has no property therein to the extent of gift or sale."<sup>1</sup> Narada, another law-giver pronounces almost the same verdict. Says he, ' women's business transactions are *null and void*, except in case of distress. Women are not entitled to make gift or sale. A woman can take only a life-interest whilst she is living together with the rest of the family.'<sup>2</sup>

The recognition of woman's right of inheritance is comparatively of recent origin. In the old ages, it is manifest, women had no such right. The Rig Veda in a clear passage denies that the widow has any right to succeed to her husband. It gives, however, the widow the right to inherit as the daughter of her parents.<sup>3</sup> But in this case, the

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1. Katyayana cited in Dayabhaga, X—1—56.

2. Yaska, III—1. In this connection Yaska the most ancient and authoritative exegetist on the Vedas, recorded views of different schools of thought who agree on the point that woman is incompetent to inherit and it is for the same reason that she is gifted away by her father, whereas a son is not. But brotherless women appear to be fully entitled to the right of succession.

3. Rigveda, II—2—7.

daughter was generally made to beget a son by *Niyoga*.<sup>1</sup> The later law-givers such as Gautama,<sup>2</sup> Vashishtha,<sup>3</sup> Bodhayana<sup>4</sup> and Manu,<sup>5</sup> all give her the option of *Niyoga* and recognise the daughter's right of inheritance.

Vishvarupa, the commentator of Yajnavalkya, who preceded the author of *Mitakshara* denies that the widow, unless pregnant had any right to succeed to her husband and that the daughter other than the appointed daughter, could succeed to her father. About Yajnavalkya and *Mitakshara* we shall presently show that they have not been so illiberal in granting women their due legal rights.

The practice of *Niyoga* limited the widow, to obtain a son by her husband's younger brother and failing him by the nearest agnate. For the rule was, that on the husband's dying issueless the wife had merely the usufruct of her husband's property till she could beget a son. If she did, the son became the heir. If she could not, the estate passed to the husband's younger brother and failing him his nearest *sapinda* who was her guardian.

Manu also subscribes to the same idea

1. Rigveda, III—31—1. 2. Gautama, XXVIII—18.

3. Vashishtha, XVIII—15.

4. Bodhayana, II—24—45. 5. Manu, IX—127.

that women have no proprietary rights of their own. According to one of his clear injunctions, a *wife*, a son and a slave, these three are declared to have no property; the wealth which they earn is acquired for him to whom they belong.<sup>1</sup> This idea of Manu has been copied by a later authority *i.e.* Shukra, even to the letter.<sup>2</sup>

Thus according to the ancient Hindu law, woman was hardly considered to be a legal person and was thus almost incapable of possessing any right. She was treated as a perpetual minor, one over whom man was always entitled to exercise control. The result is that up to the present day the Hindu law recognises limited proprietary rights of a woman.<sup>3</sup>

Now we proceed to elucidate, at some length, the law of inheritance as it affected woman in the capacity of a daughter, a wife, a mother and a widow. From the code of Manu it appears that unmarried daughters in ancient India were entitled to one-fourth of the shares of patrimony received by brothers.<sup>4</sup> That is, if there were many brothers and sisters, then the brothers were severally to give portions to their sisters, each out of

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1. Manu, VIII—416. 2. Shukra, IV—5—295.

3. Manu, IX—118.

his share, one-fourth part. Medhatithi censures those commentators who think that one-fourth share need not be given actually but only as much as will suffice to defray the marriage expenses.<sup>1</sup>

In the Vedic ages also, it appears that the unmarried daughter, who lived all her life in her parents' house—called *Amuṣa*, generally demanded and got a share of the ancestral property for inheritance.<sup>2</sup> But ordinarily she could not claim any share with her brothers for it is clearly laid down in Rig-veda that 'a son born of the body, does not transfer wealth to a sister.'<sup>3</sup>

As regards the maternal estate, it is said by Manu, that when the mother dies, all the uterine sisters (who according to Kulluka are unmarried) equally divide the mother's estate with uterine brothers.<sup>4</sup> According to Brihaspati, married daughters receive only a 'token of respect.' But Narada says that issueless daughters do receive some portion of the deceased mothers' share. Manu allows even daughters of daughters to get something out of the estate of their maternal grandmother on the score of affection. Accord-

1. Medhatithi, on the above verse.

2. Rigveda, II—17—7. 3. Rigveda, III—31—2.

4. Manu, IX—192.

ing to the interpretation of Kulluka these grand-daughters should be unmarried.<sup>1</sup> To the separate property of a mother, known technically as *Stridhana*, the detailed consideration of which we postpone to the next chapter, only unmarried daughters (*Kumaris*) are heirs.<sup>2</sup> But Narada observes that *Kumari* in reality means a daughter who has no sons. Hence such daughters also receive *Stridhana*. The rule of Gautama,<sup>3</sup> so often quoted in *Mitakshara*, also lays down almost the same injunction. According to it, if the competition be between the unprovided and enriched daughter, then the unprovided one inherits but on the failure of such, the enriched one succeeds. Thus it is clear that the unmarried daughter excludes the married daughter whether she be rich or poor. In default of married daughters, the married daughters succeed and among them the poor excludes the rich.

The position of *Yajnavalkya*, who is still the most respected legal authority, may also be stated in a few words, as regards the daughter's right of inheritance. According to him unmarried sisters must be provided by their married brothers with expenses of marriage by giving

1. Kulluka on *Manu*, IX—193. 2. *Manu*, IX—131.

3. Gautama, *Stridhanam Duhitrinam Aprattanam Apratishtitanam*.

one-fourth part of their shares of patrimony.<sup>1</sup> Mitakshara commenting on the above says ; "It is thus clear that daughters too, after the death of their fathers, have the right of succession.<sup>2</sup> About the mother's estate Yajnavalkya observes that all the property of a mother except her debts belong to her daughter.<sup>3</sup> The Mitakshara's reason for the mother's property going to daughters is that whereas daughters are born with greater portions of the blood of their mothers than with those of their fathers, therefore daughters must be the recipients of their mothers' *Stridhana*.<sup>4</sup>

Discussing the order of succession in case of a man's dying without a son, Mitakshara declares that the patrimony passes to the wife but in her absence to daughters preferably to unmarried ones.<sup>5</sup> This rule has been supported by Brihaspati as well, who says that the wife is the pronounced successor to the wealth of her husband and in her default the daughters. As a son so does the daughter of a man proceed from his several limbs. How then should any other person take her father's estate ? Katyayana, another law-giver also holds the same view that the widow should succeed to her

1. Yajnavalkya, II-124. 2. Mitakshara on the above.

3. Yajnavalkya, II-117. 4. Mitakshara on the above.

5. Yajnavalkya, II-135-36.

husband's wealth provided she is chaste, and in default of her, let the daughters inherit if unmarried.

The doctrine of the Dayabhaga school in this matter also is worth being recorded. It says that a daughter who is mother of a male issue, or who is likely to become so, is only competent to inherit and not one who is a widow or is barren or fails in bringing none but daughters. The school argues that in reality daughters confer no benefit, but they succeed because their sons do. It is the daughter's son who is the giver of a funeral oblation, not his son, nor the daughter's daughters, for the funeral oblation ceases with him. But it must be remembered that every daughter is presumed to be likely to get male children. If therefore she was married and was not past the child-bearing age, she would succeed to her father. It is then immaterial that she becomes a widow or is barren since an estate once vested cannot be divested by subsequent disability.

There was in ancient India a peculiar class, known as appointed daughters. He who had no son might make his daughter in the following manner an appointed daughter. Addressing his son-in-law he might say "The male child born of her shall perform my funeral rites".

Between a son's son and son of an appointed daughter there was regarded no difference, neither with respect to worldly matters, nor to sacred duties for their father and mother both sprang from the body of the same man.<sup>1</sup>

The son of such an appointed daughter received the full estate of his father who left no son. On him was enjoined the duty of offering two funeral cakes to his own father and his maternal grandfather. But if after a daughter has been appointed a son be born to her father, the division is to be equal, for there is no right of primogeniture for a woman.<sup>2</sup> If an appointed daughter, by accident, dies without leaving a son the husband of the appointed daughter may without hesitation take that estate.<sup>3</sup>

Thus from the foregoing paragraph it is clear, that daughters whether married, unmarried or appointed had some rights of succession in ancient India. They were not altogether excluded from inheritance as their sisters certainly are in the present age. The repeated argument in favour of the daughter's claim was that she too like the son was born of the limbs of her father. How should any other person inherit her father's property while she lived.<sup>4</sup>

Now, our next consideration is the legal

1. Manu, IX—133.

2. *Ibid*, IX—134.

3. *Ibid*, XI—135.

4. *Ibid*, IX—130.

status of woman as a wife and a widow. From the perusal of the *Dharma Shastras* it appears that wives were generally thought to be without property. Manu<sup>1</sup> and later, Shukra<sup>2</sup> agree on this matter. Their distinct verdict is that women as wives have no right on any estate except *Stridhana*, which generally goes to daughters. The logic of the above proposition is as follows. Upon her marriage, the wife not only leaves her parental home but severs her connection with it as completely as if she had never been born therein. She abandons the *gotra* of her parents and passes into and assumes that of her husband, into whose family she is received as a daughter. But in it she has no individuality apart from her husband. She, therefore is entitled to no separate ownership. Over the property of her husband also she has no right during his life time, beyond the right of maintenance and residence. This right to maintenance arises out of the jural relationship between the husband and wife, created by marriage which is indissoluble. Besides it is based on humanitarian grounds as well. With regard to forsaken wives, Yajnavalkya observes that "he who forsakes a wife, though obedient to his commands, diligent in household management, mother of

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1. Manu, VIII—416. 2. Shukra, IV—5—295.

an excellent son and speaking kindly, shall be compelled to pay the third part of his wealth or if poor to provide a maintenance for that wife."<sup>1</sup> In the matter of partition, however, the *Mitakshara*-law allows a wife to get an equal share with her own son or sons when the division is made in the lifetime of her husband. In case she has had *stridhana* from her father-in-law, then she is entitled to half the share.

The aphorisms of Jaimini have been however not so half-hearted in granting to women their dues. They clearly pronounce that the one effect of marriage is to give each of the parties thereto, control over the other's wealth. On the seventeenth aphorism, Shabara, the commentator observes as follows ; " The wife is entitled to wealth earned by the husband and *vice versa*. Hence sacrifice must be performed by both jointly, because if one of them is unwilling to perform it, the gift cannot be valid. Therefore gift or money even earned by the husband is invalid if the wife's consent is not obtained."

This quotation shows that both Jaimini and Shabara entertained more liberal views with regard to the right of the wife than the *Smritikaras* of the later ages.

Now, women as widows had ample rights to

<sup>1</sup> *Yajnavalkya*, I—76.,

inherit their husbands' property. After the husband's death the first successor was the widow. Yajnavalkya,<sup>1</sup> Vishnu,<sup>2</sup> Brihaspati,<sup>3</sup> Briddha Manu<sup>4</sup>—all are of the opinion that it is the wife who pre-eminently deserves to succeed to the estate of her deceased husband. One of the above-mentioned law-giver argues that when the wife is half of the husband then after husband, that half is perfectly entitled to the property of the deceased half.

Medhatithi is against the widow's right of inheritance but his views are disputed by all and held as unreasonable. Katyayana believes that the widow's right of succession is incontestable.<sup>5</sup> So does Harita emphatically declares in an unmistakable passage.<sup>6</sup> The truth is that the widow's rights are very deep-rooted in the Aryan society. They go back even to the Vedic ages when even a childless widow was entitled to succession to her husband's estate.<sup>7</sup> In case she had sons she was to divide the property of her husband with sons equally.<sup>8</sup>

Manu<sup>9</sup> and Narada however appear to hold the opinion that brothers should have the pro-

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1. Yajnavalkya, II—135, 36. 2. Vishnu in Mitakshara.
3. Brihaspati *Ibid.* 4. Briddha Manu *Ibid.*
5. Katyayana *Ibid.* 6. Harita, *Ibid.*
7. Rigvada, IX—102—11. 8. Yajnavalkya, II—123.
9. Manu, IX—185.

perty of a deceased brother and not his wife, who is to get only maintenance. But the widow who was given to a sinful life was not to be given any maintenance at all. In fact unchastity in any female heir, be she a daughter, a wife, a widow or a mother, disqualified her from inheritance. Whosoever was in keeping of a man when the succession opened was excluded from inheritance, even though she might have married him afterwards. Mitakshara,<sup>1</sup> Dayabhaga<sup>2</sup>, all the legal authorities agree on this point. Otherwise the maintenance of a widow not suspected of any misconduct was commonly a charge on her husband's estate. The widow as of a right was entitled to reside in the family dwelling house. This is clear from Katyayana's<sup>3</sup> passage in which he says that the family house cannot be sold. The widow's right of a residence could not be defeated even by offering her a separate house to live in, on the ground of her quarrel-someness.

The Mitakshara commentary has with regard to the right of a widow's inheritance, raised a very interesting legal controversy. The contention of Shankha, Narada and Katyayana appears to be that brothers of a deceased person, have as compared to his

1. Mitakshara, II—3; 2. Dayabhaga, XI—1—47, 48.

widowed wife, a preferential right of succession to his property. But Briddha Manu and Vishnu hold a contrary opinion. A reconciliation between the conflicting views is brought about by Mitakshara or by interpreting the former law as applicable to co-parcenary brothers, whereas the latter holds good in the case of separation.

Again the widow's rights are assailed by Gautama and Vashishtha, who opine that only those widows are entitled to the right of inheritance who make it definitely known that in order to have progeny they will resort to the practice of *Niyoga*. But Mitakshara treats such line of thinking as inconsistent and ridiculous. In the explicit case of sonlessness only, Yajnavalkya has conferred the right of succession on widows. The law as expounded by him is obviously dealing with widows who could not have any Kshatriya male offspring during the life-time of their husband.

Still another objection as regards widow's competence to inherit is made by saying that whereas they are disqualified by all *Shastras* to attend sacrifices or *Yajnas* and whereas all wealth has performance of religious rites as its objective, therefore they are to be interdicted from inheritance of all property. This queer argument is disposed of by Mitakshara with a word that gaining of virtue is the end

of all human activities and not mere performance of sacrifice.<sup>1</sup>

In the end, a word may be said about woman's rights as a mother. Obviously they were very limited, for a mother invariably was a wife. In the presence of her husband she had no separate property except her *stridhana*. However, a widowed mother had ample rights which can easily be understood. In both the cases a mother obtained the inheritance of a son if he died without leaving an issue.<sup>2</sup> She also inherited a daughter's property if the daughter was married in the *Asura* form and died without an issue.<sup>3</sup> The mother's claim has been much strongly supported by the Dayabhaga school. According to it, if the father be not living, the succession devolves on the mother. Vishnu's text also declares that if the father be dead, it appertains to the mother.<sup>4</sup> It is argued that a mother's claim precedes that of brothers and the rest, since it is necessary to make a grateful return to her for benefits which she has personally conferred by rearing the child in her womb and nurturing him during his infancy and also because she confers benefits on him by the birth of other sons who may

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1. *Mitakshara*, II—135, 36.

2. *Manu*, IX—217. 3. *Ibid*, IX—197.

4. Vishnu cited in *Dayabhaga*, XI—IV—1, 2.

offer funeral oblations in which he will participate.

Thus we may conclude that the legal position of women as daughters, wives, widows and mothers was by no means, one of complete disabilities, but one dictated by justice and fairness, as far as the circumstances of the ancient ages allowed. This much at least is certain that taking into view the contemporaneous conditions of other countries in this respect, ancient India had no reason to be ashamed of the legal status, which she allotted to her women.

## CHAPTER XII

### STRIDHANA OR WOMAN'S SEPARATE PROPERTY

In the preceding chapter, we referred to the technical term *stridhana*. Etymologically it means 'woman's property'. Vijnaneshwara has defined it such. But as we have seen, woman's property is a comprehensive term and it may embrace property which a woman may acquire by inheritance or partition or that which may come to her by gift from her parents, husband or his or her other relations. Yajnavalkya employed the term *Stridhana* to denote the quality of the right in property which she obtained mostly by gifts over which she had the absolute power of disposal. The actual definition given by him is as follows:—

"What has been given to a woman by the father, the mother, the husband or a brother, or received by her at the nuptial fire or presented to her on her husband's marriage to another wife as also any other separate acquisition is denominated as woman's property."<sup>1</sup> Katyayana also recognises woman's right of separate ownership. His enumeration of kinds of *stri-*

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<sup>1</sup>: *Yajnavalkya*, II-143.

*dhana* is somewhat more elaborate. Says he "what is given to a woman at the time of her marriage near the nuptial fire is celebrated by the wise as woman's property bestowed before the nuptial fire. That again which woman receives while she is conducted from her father's house to her husband's dwelling is instanced as the property of a woman under the name of gift presented in the bridal procession. Whatever has been given to her through affection by her mother-in-law or by her father-in-law or has been offered to her as a token of respect is denominated as an affectionate present. That which is received by a married woman from her parents is termed a kind gift."<sup>1</sup>

Thus it were primarily gifts and presents received by women from others which were known by the technical name of *Stridhana* in the ancient law. Narada, Vishnu, Apastamba, Vyasa and Devala—all authorities acknowledge the right of women for owning separate property. Thus according to one<sup>2</sup> of them, food and vesture, ornaments, perquisites and wealth received by a woman from a kinsman are her own property ; she may enjoy it herself and her husband has no right to it. If he gives it away on a false consideration or consumes it, he must repay the value to the woman with interest.

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1. Katyayana, I. 2. Devala, III—583.

Likewise Manu also speaks of woman's separate property which he believes to be six-fold.<sup>1</sup> The gifts which are made over to a maiden before the nuptial fire are termed by him as *Adhyagnika*. The gifts made to her at the time of marriage-procession are called *Adhyavahanika*. *Shulka*, another legal phrase at first meant the bride-price received by the father on marriage from husband, but later it was gratuity given by husbands which formed part of dowry. Yet another specie of *stridhana* was *Adhivedanika*. It was a solatium or compensation given to wife by the husband on his marrying another wife. Yajnavalkya in this connection says, "To a woman, whose husband married a second wife, let him give an equal sum (as a compensation) of expenses of jewellery, etc., on the second marriage for supersession, provided no separate property has been bestowed on her, but if any had been assigned, let him allot half".<sup>2</sup> The last mentioned technical term is *Anvadheya*. It means a post-marital gift made to woman by her husband, by the husband's relation or by her own father and is comprised in *stridhana*.<sup>3</sup>

Wijnaneshwara, the illustrious expositor of the Yajnavalkya-Smriti, while enlarging on the

1. Manu, IX—194.

2. Yajnavalkya, II—148.

3. Katyayana, cited in Manu, IX—195.

woman's right of separate ownership made a distinct departure from the stereotyped enumeration of *stridhana* as given by the above named law-givers. Taking advantage of one loophole in his author's description of woman's property, he classed all her estate as *stridhana*.<sup>1</sup> Yajnavalkya in describing such property mentions "that which was obtained by gift from her husband, *et cetera (adि)*." The commentator seized hold of this word and explained 'et cetera' to include all her other estate, however acquired, with the result that if his explanations were accepted, all that woman acquires by inheritance and partition would fall into the same category as her bridal gifts, with the further result that they will all be at her absolute disposal and on her death pass to her own heirs. ]

But the fact is that such enlargement of woman's rights has not been accepted by any other legal authority, it being considered as wholly out of keeping with the tenor and purpose of the general status allotted to women. Therefore Vijnaneshwara's definition of *stridhana* stands repudiated and the term *stridhana* must be limited to comprise only such property as the woman acquires, otherwise than by inheritance and partition and over which she

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1. Mitakshara, II-143.

possesses plenary powers of disposal and which on her death devolves upon her own successors.<sup>1</sup>

After making the definition and implications of *stridhana* somewhat clear we may now proceed briefly to mention the law of succession obtaining as regards the disposal of *stridhana*. According to Mitakshara, if a woman die without issue that is having no progeny, in other words having no daughter, nor a daughter's son nor son nor son's son, the woman's property shall be taken by her kinsmen. Of a woman dying as before stated and who has become a wife by

1. This is exactly the conclusion arrived at by that great scholar Sir Henry Maine who observes thus in "The Early History of Institutions":—"The settled property of a married woman incapable of alienation by her husband is well-known to the Hindus under the name of *stridhan*. It is certainly a remarkable thing, that the institution seems to have developed among the Hindus at a period relatively much earlier than among Romans. But instead of being matured and improved as it was in western society there is reason to think that in the East under various influences which may partly be traced, it has been gradually reduced to dimensions and importance, far inferior to those which at one time belonged to it" (pp. 321).

Sir Henry Maine shows a characteristic insight into the views of the majority of Hindu lawyers, when he says that putting the author of Mitakshara aside, all the commentators who succeeded one another in the Hindu juridical schools show a visibly increasing desire to restrict property in the hands of women.

any of the four modes of marriage, denominated Brahma, Daiva, Arsha and Prajapatya the whole property belongs in the first place to her husband. On failure of him it goes to her nearest *sapindas*, allied by funeral oblations. But in the other forms of marriage called Asura, Gandharva, Rakshasa and Paishacha, the property of a childless woman goes to her parents, that is to say, her father and mother. On failure of them their next of kin takes the succession.<sup>1</sup>

In case of a woman with children, according to Yajnavalkya, it is daughters who take her property, always maidens preceding the married ones and unendowed daughters preceding the endowed ones.<sup>2</sup> The verdict of Mitakshara also is very clear in this respect. The doubt that whether married daughters are entitled to *Stridhana* or not will be set at rest by the following text in which the succession of a married daughter is unmistakably provided. Thus reads the text: "Hence if the mother be dead daughters take her property in the first instance and here in the case of competition between married and maiden daughters the unmarried take the succession, but on failure of them the married daughters and here again in the case of competition between such as are provided and those who are un-

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1. Mitakshara, II—145. 2. Yajnavalkya, II—117.

provided, the unprovided take the succession first, but on failure of them those who are provided. Thus Gautama says that a woman's property goes to her daughters unmarried or unprovided. The latter are such as are destitute of wealth or without issue'.<sup>1</sup>

In the absence of daughters or daughters' daughters or sons it were mother's own sons who succeeded to her separate property. Yajnavalkya maintains further that it were sons only and not daughters who were responsible for clearing off the debts if mother left any.<sup>2</sup>

Now, should a damsel die before the completion of the marriage what is to be done in that case? The author replies, "If she die let the bridegroom take back the gifts which he has presented, paying however the charges on both sides."<sup>3</sup> The meaning of the verdict is that if a betrothed damsel die the bridegroom shall take the rings and other presents or the nuptial gratuity which had been previously given by him to the bride paying however the charges on both sides, that is, discharging the expenses which have been incurred both by the person who gave the damsel and by himself. But according to Mitakshara, her uterine brothers shall have the

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1. Mitakshara, II—145, 2. Yajnavalkya, II—117.

<sup>3</sup> *Ibid.* II—146.

ornaments for the head and other gifts which may have been presented to the maiden by her maternal grandfather or other relations as well as the property which may have been regularly inherited by her. For Bodhayana says, "The wealth of a deceased damsel, let the uterine brethren themselves take. On failure of them it shall belong to the mother or if she be dead to the father."<sup>1</sup>

Towards the end, we may throw some light on the limitations imposed on the woman's right of ownership. The general spirit of Hindu Law was not to allow women independence as regards disposition of property. In the case of females, property or ownership had reference to the right of possession and right of enjoyment. The third element of ownership, namely, the power of disposition was not recognised by the ancient law-givers. The right of disposal did not also enter into Vijnaneshwara's conception of the essentials of ownership. The wife's subjection to her husband is evidenced by a right conferred on the husband to seize the property of his wife in case of extreme necessity as prescribed in the record of the following text. Says Mitakshara, "In a famine, for the preservation of the family or at a time when a religious duty must

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1. Mitakshara, II—146.

indispensably be performed or in illness or during restraint or confinement, in prison or under corporal penalties, the husband being destitute of other funds and therefore taking his wife's property is not liable to restore it. But if he seize it in any other manner or under other circumstances, he must make it good."<sup>1</sup> However *Mitakshara* is generous to add that excepting husbands no one has any right to seize the property of woman. For Manu also says that if a relative appropriate the property of a female, the king shall take him to book and punish him like a thief.<sup>2</sup> Again, "the ornaments which may have been worn by a woman during her husband's life time his heirs shall not divide; those who divide become outcastes."<sup>3</sup>

But such expressions of generosity are neutralized when we in the immediately preceding verse understand that a woman should never make any expenditure out of the family property belonging to several or even out of her own *stridhana* without the assent of her husband.<sup>4</sup> Thus the limitations of woman's

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1. *Mitakshara*, I—147. 2. *Manu*, VIII—29.

3. *Ibid*, IX—200. 4. *Ibid*, IX—199.

It is to be noticed here that the text of Narada makes no distinction between *Stridhana* and other kinds of property in considering the question of the dependence of

right of ownership are clearly brought home to us. It is abundantly plain that in the disposal of her own property woman was not altogether independent but to a considerable extent subordinate to the will of her husband.

Here we conclude our observations on the subject with the remark that the law of *stridhana* is very complicated and that the more we strive to understand it the more it eludes our grasp. However we have tried to escape its subtle niceties by avoiding the confusion of other schools than those of *Mitakshara* and *Manu*. From the perusal of these two authorities it is quite evident to us that women in ancient India enjoyed a limited legal status. Centuries after even now the position of women is not much better. It stands as it stood before. The limited progress which women have made in other spheres does not entitle them to a very advanced station in law. It is true that the law relating to them stands

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woman on her guardian in the disposition of her property. It would follow from a strict reading of the text of *Narada* that over that kind of the *Stridhana* which is known *Saudayika Stridhana* (gifts of affectionate kindred) the husband and after his death, the guardians of the widow have absolute control. Yet the majority of law-givers as *Katyayana* and others are agreed that over such property she has plenary power of disposition. (*Narada*, ch. VIII—28, 29).

in need of a thorough overhauling, but it is certainly women who by proving their worthiness can force the hands of legislators to effect the change. Bearing in mind the prevailing circumstances in ancient India, the legal status occupied by women seems to us by no means humiliating. When men had no notions of their separate proprietary rights, how could women have them? It is impossible to imagine that women should have gone abreast of men. The general subordination of women could not conceivably cause such a phenomenon to arise. Women got what they deserved in those ages according to the general position held by them in society. Their legal status could not but be in conformity with their social, religious and political rights as explained in the last few chapters.

## 5. WOMEN UNDER BUDDHISM

### CHAPTER XIII

### Their Social Status

Buddhism was a reaction against Hinduism or to be more accurate against Brahmanism. Both the schisms, *i.e.* Buddhism and Jainism were instrumental in bringing about not only religio-philosophical upheavals in the country but sociological changes as well. Buddhism was essentially a moral religion, the moral precepts of which touched all classes irrespective of any sex consideration. During the life-time of the Lord Buddha and in the time of Asoka when Buddhism was at its zenith the status of women improved appreciably. As suggested above, the Brahmans' doctrine of woman's inferiority was challenged as all other ritualistic conventions and dogmas of the priesthood were done by the rising onrush of the so-called heretic movement. However, it must be acknowledged at the very outset, that the Buddha's contribution to the solution of the social problems of India was not so great as his other contributions of the religio-philosophical nature certainly were. Therefore, let not the reader

run away with the idea when we say that the status of women improved under Buddhism that any tremendous change was made in this respect. Had the Great Saviour had his own way he would perhaps have done more in the matter than he actually could do. The age-long practices stood as permanent barriers in the way of any social reform. The question of women's emancipation was especially a very knotty one. It required for its solution, stupendous ceaseless efforts to be directed against the citadels of orthodoxy and conservatism. The Buddha had little time at his disposal to undertake such a big task.

Addressing ourselves to the proper question, we should as we did before, put the same query whether in the Buddhist India, the status of women was inferior to or equal with that of the other sex? Our answer as before is not a straight one. The difficulty is that a good deal of legendary matter has crept in the Buddhist literature, so that mistaking of a fiction for a fact is quite possible. However we have tried our best to avoid fictitious data and to base our conclusions on authentic sources only.

Only a glance at the Buddhist canonical scriptures will convince a reader that the Buddha's outlook was liberal. He himself at least did not look upon women as inferiors.

In the propagation of his religious teachings he treated them alike with men. He gave *Dhamma* to both the sexes without making any invidious distinction.<sup>1</sup> This was indeed a great achievement for women, for in the centuries gone by, they had under Brahmanic injunctions lost all their religious individuality.

Still another sign of betterment was that the birth of female children was not met with so severe a sense of despair and encumbrance, as it was done before. We have no record of any dismay or outcries displayed on the occasion of a daughter's ceremony. Indeed no discrimination was made between a male or a female progeny in a Buddhist family. A rich householder *Maha Suvanna* is said to have exclaimed before a holy tree:—"Should I be granted *a son or a daughter*, I will pay you great honour, O decked tree."<sup>2</sup>

In the Jatakas,<sup>3</sup> we hear of the two persons called Brahmadatta and Kashiraj, praying for *a daughter or a son*. Gautama himself admonishes the king Pasenadi of Koshala for his sorrow that the queen Mallika had given birth to a daughter. The Buddha upholding the honour of

1. Anguttar Nikaya, II—57.
2. Dhammapada, Commentary on verse 1.
3. Jatakas, 521 and 528.

womanhood gives utterance to the following weighty remarks.<sup>1</sup>

A woman child, O Lord of men, may prove  
Even a better offspring than a male.

Reference may be made here to the parental love in which daughters in the Buddhist period were held. They were not looked upon with an eye of aversion as they were done in the past Hindu ages. In the Therigathas<sup>2</sup> we learn of one Ubbiri whose motherly affection for her daughter is exuberantly superb. So also Isidasi is extremely beloved of her parents. These are sufficient indications as to which way the wind was blowing.

Another important fact, which we cannot omit to mention in this connection is that the notion of indispensability of a male child was fast losing ground in the Buddhist society. The idea that a son was essential for performing one's funeral ceremonies and giving oblations was soon giving way. The reason for this phenomenal psychological change is not far to seek. It was laid down explicitly by the great Buddha that even a sonless man could obtain Nirvan or extinction, only if he could lead a spotlessly pure life. The ascetic or monastic way of living one's life was prescribed by the

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1. Samyutta Nikaya, III—2, 6.

2. Therigatha Commentary on XXXIII.

teacher essentially to combat the Brahminic maxim that without a male progeny a man was sure to fall in hell.

It is therefore not very surprising to find in the Buddhist Texts that a wife always bearing female children is not to be discarded, though in the case of her barrenness she may be superseded by another married consort. It must be remembered here that the Hindu law-givers sanctioned supersession even if the wife was guilty of giving birth to daughters only. It is evident that the unjustifiable social rigours placed on the weaker sex were simply unbearable to the rising spirit of rationalism. This very spirit is responsible for a still more unprecedented injunction in the Buddhist scriptures that the practice of adoption of a son by a sonless man is not quite legitimate. Not only this, the reaction has gone yet a step further. Contrary to all previous legal tenets of the *Dharma Shastras*, the Buddhist canons hold the adoption of daughters as quite valid. This is indeed a serious innovation. For the first time in the Indian literature the female children were given such a creditable position. In the Buddhist period instances were not lacking of the adoption of daughters. We hear of one Somavati who was adopted by the householder Mitta. Again a certain king is mentioned to

have taken a girl named Kana and made her, his own eldest daughter.

Here we may take into consideration one more interesting phenomenon. It appears from the Buddhist literature that the marriage itself was not held to be imperative as it was the case in Hinduism. A single life was not regarded as a wasted life and it was seldom open to scoffs. Buddhism had never subscribed to the view that a son was essential for father's safe translation to heaven and hence the institution of marriage receded in the background. Its importance declined. Even a maiden was allowed to lead a life of celibacy and devote herself exclusively to other secular or spiritual affairs. Thus Subha, a goldsmith's daughter and Sumana, the daughter of Anathpindika kept unmarried throughout their life and devoted themselves to the management of their family affairs. For those women, who were spiritually inclined, the order of alms-women was quite open. They could lead therein an ascetic life, entirely absorbed in pursuit of the highest bliss. We are in possession of detailed information about the wonderful institution of alms-women, but we defer its mention to a later stage when we shall have to deal with the religious status of women under Buddhism. Here it suffices to

say that women in the Buddhist ages had the liberty to lead an independent life without being tied round a husband. We admit, that there are references—such a one we find in *Milindapanha*<sup>1</sup>—in which “a woman without husband” is said to be despised. But such references are rare. The ideal of celibacy, irrespective of any sex consideration, was time and again emphasised by the great Buddha for all those who desired to be initiated in his teachings. He himself detested marriage and in his time he was known as a misogamist. Yet he allowed lay women to marry for reproduction and continuation of the world. In his heart of heart he wanted all men to be monks and all women to be nuns.

But along with the foregoing eulogistic remarks about the womanhood, we must not, in fairness, fail to record the deprecatory expressions in which the Buddhist texts have occasionally indulged. The truth is, that old ideas die hard. The social transmutations must necessarily be very slow! Deep-rooted traditions and customs in a society can change only by a process of evolution and not revolution. In political or constitutional matters we may hear about sudden and radical changes, but social

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1. *Milindapanha*, IV—8—22.

affairs by their very nature, must move in a sluggish and tardy manner.

The sense that women are no better than a household possession is frequently given vent to, by the Buddhist canons. We quote below only three out of numerous passages which will bespeak the mentality of the Buddhist law-givers about the gentler sex :—

“ The great human wealth, attended with a number of cows and combined with *a flock of women*, with these the Brahman has become covetous.”<sup>1</sup>

“ Cows, beds, garments and adorned *women* and well-made chariots drawn by noble horses, carpets, by these the Brahman has become covetous.”<sup>2</sup>

“ Then you say Vasetha, that the Brahmans are in possession of *wives and wealth* and that Brahma is not, can there then be an agreement between the Brahmans with their wives and property and Brahma who has none of these things.”<sup>3</sup>

The reader can see that in all these texts taken at random, women have been classed with inanimate objects or at the best with quadrupeds such as cows and horses. This reflects to a great extent the position that the old idea of woman

1. Sullavagga, —18. 2. *Ibid.* —21.

3. Tevigga Sutta. —33.

being a non-entity was still persisting in the Buddhist ages and that the Buddha could not rescue the weaker sex from falling a prey to such hellish notions. On the other hand, women were condemned by the teacher himself as weak creatures destined only to lead a life of sin and unfaithfulness. It is indeed painful to read the following utterance of the great Buddha in the Milindapanha<sup>1</sup> :—

“ The blessed one hath said, O Naga Sen,  
 With opportunity and secrecy  
 And the right wooer, all women will go  
 wrong.  
 Aye, failing with others, with a cripple  
 even.”

Being a misogamist the Buddha was highly sensitive about women. He seems to have treated them as embodiments of unchastity and infidelity. In another passage his views are expressed in a still more positive form. Asked by Ananda, his chief disciple, as to “ how are we to conduct ourselves, Lord, with regard to womanhood ? ” he replies as follows<sup>2</sup> :—

“ Do not see them Ananda !  
 But if we should see them, what are we  
 to do ?  
 Abstain from speech Ananda !

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<sup>1</sup> Milandapanha, IV—4—42.

<sup>2</sup> Mahayagga Sutta, VII.

But if they should speak to us Lord, what  
are we to do ?

Keep wide awake Ananda !”

This characteristic reply of the great teacher shows that for some time he was full of disbelief about the destiny of womanhood.

Now, our next consideration is the status of women in the household.

✓ Lay women who did not take to ascetic life had to live the traditional life, lived by Hindu ladies. However due to Buddhist influences a few minor improvements had been made in their position related to domestic affairs. Unlike her sister of the Sutra-period a Buddhist wife was more a husband's help-mate, companion and guardian in temporal and spiritual matters than a mere household drudge. About the status of a wife, Gautama had to say the following words :—

“ In five ways should a wife as a western quarter, be ministered to, by her husband, by respect, by courtesy, by faithfulness, by handing over authority to her, by providing her ornaments.”

“ In these five ways does the wife ministered to, by her husband as the western quarter, loves him ; her duties are well-performed by hospitality to the kin of both, by faithfulness, by watching over, the goods he brings and

skill and industry in discharging all her business.''<sup>1</sup>

Anguttara, a Buddhist text opines that as fire by Brahmans, so wife by husband is always esteemed in the household.<sup>2</sup> According to the same text, a husband alone in house commands authority but if a wife be in the possession of five powers, *i.e.*, those of beauty, wealth, kin, sons and virtues, then she also may command.<sup>3</sup> Thus in the choice of career for children, wife had the same right of decision as husband had for himself. A proof of this statement is furnished by an utterance addressed to a novice in the *Upasampada* ceremony which runs "Have you father's and *mother's* permission for undertaking an ascetic life"?<sup>4</sup> Another evidence in this connection is supplied by the fact that Anathpindika consulted his wife for accepting merchant Uggā's son for their daughter.

These indications certainly lead one to believe that the status of women in the household was somewhat improving. But indeed this improvement was very much short-lived. In the later Buddhist ages, the old Brahmanic ideas of the domination of man and subordination of woman in the family re-asserted themselves. The least

1. Sigalvad.Sutta, V—30. 2. Anguttara, IV—44.

3. *Ibid*, XXXVII—III—28. 4. Mahavagga, I—54.

independence on the part of a wife was never brooked. All that was required from her was perfect obedience to the will of the Lord. According to Samyutta Nikaya, "best among wives was she who best ministered."<sup>1</sup> The foremost duty of a wedded woman was unstinted devotion. She was to be uncritical of her husband, else she was born in waste, way of woes and met downfall in purgatory. Whoever slavishly worshipped the feet of her master was treated as the most obedient and faithful wife. Thus one Dhaniya congratulates himself on the possession of such a wife, for he could say :—

" My wife is obedient, not wanton  
I hear nothing wicked of her."<sup>2</sup>

Dhammapada<sup>3</sup> mentions 'wait on man' as one of the five great woes which woman has to undergo in the world. One such woeful woman in the Buddhist ages was Isadasi. The extant record of her lament is typical of sufferings to which the female sex was generally subjected. The following will present a true picture of a woman in the household. Says Isadasi<sup>4</sup> :—  
 " My salutation morn and eve I brought,  
To both the parents of my husbands, low,  
Bowing my head and kneeling at their feet,  
According to the training given me.

1. Samyutta Nikaya, I—24. 2. S. B. E. X.

3. Dhammapada, V—223. 4. Theri,—IXXII.

My husband's sisters and his brothers too  
 And all his kin, scarce were they entered when  
 I rose in timid zeal and gave them place.  
 I dressed and groomed him as handmaid might.  
 I boiled the rice, I washed the pots and pans  
 And rendered service with an humble mind,  
 For me he nothing felt, save mere dislike."

We need add no colour to this picture. It is self-evident. The reader can form his own judgment as to what status was assigned to women in the Buddhist household.

About the practice of pre-pubescent marriages we hear little in the canonical literature. Thus Vishakha married when he was sixteen years of age.<sup>1</sup> Another maiden named 'Bhadda Kundalkesha is mentioned to be unmarried even at the age of sixteen.<sup>2</sup> Therigathas<sup>3</sup> furnish instances of many girls—like Sela, Alavika and Sumedha who were unmarried at the 'age of discretion.' Though it is difficult to form an exact idea of the 'age of discretion' in a girl, yet this much is beyond contradiction that a mere infant could not reach this discretionary period. In fact it is inconceivable that a girl before puberty could even exercise her discretion about any vital matter, concerning herself or her family.

1. Warren—Buddhism in translation, p. 455.

2. Dhammapada Com, 102—13. 3. Therigathas Com, XXXV—IXXIII.

The cause for abstaining from marrying daughters at a tender age is given by the merchant Goshaka, the father of Somavati in an answer to a certain king who asked for the hand of the former's daughter. Replying in the negative even to the monarch, he says:—"We householders do not give young girls, for fear that they are mal-treated and ill-used."<sup>1</sup> (Vayam gahpatika nam kumarika no dema). Certainly mal-treatment and ill-use of immature girls by their lustful husbands, who lewdly made them as mere instruments of their carnal gratification, made the Buddhist law-givers to revise Brahmanic injunctions so that prepubescent marriages were looked upon with contempt. Another reason for the discontinuance of the evil practice seems to be that the Buddha had allowed even women to form their own order of almswomen and lead an ascetic life. Entry to this order was open both to married and unmarried women. In the case of a household woman, permission by her husband was essential and in the case of maidens, permission by their parents was imperative. In no case a woman had the liberty to take to monastic life unless she had reached the age of discretion. So in her anxiety to lead a religious life of asceticism, many a girl kept unmarried till a

sufficiently advanced age and gained an easy permission to the order for she had no household cares to look after. But it will be wrong to suppose that instances of pre-pubescent marriages never occurred in the Buddhist ages. The upper stratum of the society might have imbibed quickly the lessons of the great Buddha, but the lower one still persisted in its ancient traditions and customary conventions. The religious sanction given to infant marriages by the Hindu Dharma Shastras was exploited by the less progressive classes and the evil practice went on merrily for a considerable period side by side with the forces of advancement. Thus there can be no cause for surprise when we find the Bhikkuni Vibhanga,<sup>1</sup> a sacred text, mentioning about girls being ordained under twelve years of age (undvadashavassa). They are further described as 'gone to household duties' (gihagatta) and cohabiting with other persons (purushantargata). In Milindapanha<sup>2</sup> also, from a hypothetical dialogue between two persons, we learn that 'the little girl, the mere child' was also chosen for marriage. As suggested above, all this phenomenon was not looked at with favour by the more progressive schools of thought. It is therefore that the Samyutta Nikaya<sup>3</sup> counts

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1. Bhikkuni Vibhanga, IV—pp. 321—22. 2. Milinda, II—2—6. 3. Samyutta Nikaya, XXXVII—III—1, 3.

‘going at tender age to husband’s home,’ as one of five great woes of women.

As regards the prevalence of monogamy or polygamy, our inference from the available data, is that during the Buddhist epoch the general practice of marriage was monogamous. The common people disliked the idea of plurality of wives. The religious atmosphere of the age was not much favourable to the custom of polygamy. The Buddha was preaching on the one hand with all the force of his magnetic personality that absorption in the world was the greatest obstacle to attainment of the supreme object. He was advising all and sundry, men and women, young and old, great monarchs and the indigent, to take to the path of renunciation or *Vairagya* and abstain from all mundane occupations. Marriage especially was a kind of nuisance to him. He treated it as the greatest impediment to all nobler and sublime pursuits. His definite view was that a married life was full of hindrances and defiled by passions.<sup>1</sup> How could one who dwelt at home live the higher life in all its purity? Further he opined that a wise man should avoid married life as if it were a burning pit of live coals.<sup>2</sup>

These anti-matrimonial doctrines of the

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1. *Tevegga Sutta*, 47. 2. *Dhammika Sutta*, 21.

Buddha did prevail in his time though the people of the opposite school protested and murmured that "he is come to bring childlessness among us and widowhood, and destruction of family life." Therefore it is easy to understand that the practice of polygamy was not quite in consonance with the spirit of the age and hence its popularity amongst the common people is almost inconceivable. Laymen and laywomen who kept to the world and lived secular life were not less hypnotised by the personality of the teacher than their brothers and sisters who had withdrawn themselves from temporal concerns and preferred to go to monasteries and convents. If they stayed behind, the reason was not that they reverenced Buddha and subscribed to his teachings in a lesser degree. The real fact was that many private and practical considerations stood in their way. But if they could not adopt Buddha's teachings in their totality, there was nothing to prevent them from following their implications. The Lord had enjoined on all his disciples whether ascetics or non-ascetics not to indulge in sensual extravagance and luxuries. How could then, in view of the Teacher's definite Commandment, the lay people of the Buddhist ages yield to excesses such as the practice of polygamy or plurality of wives decidedly involved. Some exceptions,

however, to the general rule of monogamy were to be found in all strata of the society. But especially, as in the Hindu period, the aristocracy was much given to the practice of polygamy in which it prided itself and felt a sense of privilege. Royal personages belonging to Khshatriya clans possessed many wives as a matter of right. Thus the king Pasenadi had five wives named, Mallika, Vasabha, Ubisi, Soma and Sakula.<sup>1</sup> Another famous monarch Udena had Somavati as his chief consort and two others Vasul Dutta and Magandima as his junior wives.<sup>2</sup> Bimbisara also is mentioned to have married two wives, one Khema—a Videha princess and the other Challena.<sup>3</sup> It appears that traditions and customs of ruling families were kept intact from early Vedic ages down to the Buddhist period.

Besides the foregoing references, we meet with many more instances of the same type in other classes also. Three brother merchants named Chulla Kala, Monihima Kala and Mohakala are reported to have possessed two, four and eight wives respectively.<sup>4</sup> The less wealthy people had only a second wife. Kisa Gotami is one such woeful woman 'who shared home with another wife.'<sup>5</sup> Sometimes

<sup>1</sup> Majjhima, II—125. <sup>2</sup> Mahavagga, VIII—1—15.  
<sup>3</sup> Ibid. <sup>4</sup> Dhamma Com, 7—8. <sup>5</sup> Therigatha XIX.

we meet with references which indicate that even Brahmins were not free from the evil effect of polygamy. The priesthood being the most hard hit class, perhaps, on purpose did stick to the old custom and abstained from subscribing, by their precepts and practice, to the doctrines of a heretical preacher. It is therefore not a matter of surprise for us, if we find a Brahman having 'forty wives equal in rank.'<sup>1</sup>

Occasionally we come across unbelievable accounts of polygamy in the Buddhist literature. One such account is given in Summanaphala Sutta as follows:—"Then the king (Ajatshatru) had five hundreds of his women mounted on the she-elephants one on each, and himself mounted on the state-elephant and he went forth, attendants bearing torches, in royal pomp from Rajgriha to Jivaka the physician's mango-grove."<sup>2</sup> Ajatshatru is no doubt a historical personality in the Buddhist age, but it is possible that five hundred women mentioned in the above passage might be members of the royal harem and not all wives of the king.

Now, as to the causes which led to the foundation of polygamy in the Buddhist society, we are certain that the Kshatriya classes

1. Dialogue, II—245. 2. Summanaphala, Sutta—9.

took to it, as a matter of pride. They treated it as a mark of nobility. If they could with superior airs show to others that they had the prerogative--of possessing a number of wives, it gave them the greatest satisfaction. Women however had everything to lose in this self-glorifying project of a vain nobility. Flocked in a household they never fared better than cattle. Their sole end was the gratification of man's carnal desires. The chivalrous feelings displayed about them were all pious devices to enchain them all the more. Their status as self-existent individuals and human beings was denied to them. Women, bound in polygamy led only a life of abject subservience.

Another reason for taking to a second wife was the previous wife's barrenness. This was somewhat an excusable motive on the part of a householder who was anxious to see his ancestral line unbroken and his family-prosperity uninterrupted. On the marriage of a second wife the barren one was either put away and separated from the house or she continued to live there with her co-wife as a slave. It is to such slave-wives that a reference is made in Vinaya-pitaka. Thus Bandhula of Kushinara army is mentioned to have put away his first wife Mallika for she was unfruitful till a very advanced age. She was how-

ever retained in the family and treated as a slave-woman.<sup>1</sup> Yet another reason was disobedience of wife. If a wife continued to be disobedient she was likely to be abandoned by her husband and his marriage of a second wife was held valid. Thus we learn about a pitiable laywoman Kana who was superseded in the manner indicated above. She went to her husband thrice, but she could not comply with his orders as everytime she started from home she was met by mendicants and gave them all that mother gave for her son-in-law. "How shall I go empty-handed"—thought the poor Kana till she trespassed her husband's patience and was forsaken by him in indignation.<sup>1</sup>

Now a word may be said about the institution of polyandry. As in the Hindu literature so in the Buddhist text, we meet only with one reference, that too in a legendary Jataka. There a princess Kahna is mentioned to have five husbands, 'the five Pandu princes already by boon given to her by father.' She wanted to kill them.

"Insatiate she lusted yet for more.

And with hump-backed dwarf she played the whore."<sup>2</sup>

This solitary reference is a proof positive that polyandry was a very exceptional pheno-

1. Vinaya, IV—179.

2. Jataka, 436.

menon almost non-existent in the Buddhist epoch.

With regards to the extent of freedom allowed to women in the Buddhist age, it appears that a slight progress had been made in this respect also. According to the Sutra tenets, father was the principal party in selection of a suitable match for daughter, not even mother had any say in the matter, what to talk of the voice of the daughter herself. Cowel, an erudite Western scholar on Buddhism, holds that women had greater liberty in the choice of their husbands during the Buddhist age than in the preceding Hindu period. In his opinion *Swayamvara*, in the true sense of the term, was in vogue in the Buddhist India. Thus we find a maiden Kanya asking her mother to move father 'to hold an assembly to chose me a husband'.<sup>1</sup> In Tharigathas as well, mention is made of 'giving daughters in marriage with their approbation.'

But the evil of taking bride-price persisted in the Buddhist times. This is indicated in a passage of the *Milindapanha* :—

"The little girl, the mere child, whom you chose in marriage and *paid a price for*, is one.

The girl grown up to full age whom I

1. *Jataka* 536.

chose in marriage and paid price for, is another."<sup>1</sup>

As to the observance of the *parda* we are inclined to believe that the Buddha tore it off when he gave his clear verdict that women also had the full right of leading independent religious life. All the adherents of the church, including the female adherents, moved from one place to the other with liberty. With alms-bowls in their hands they approached laymen and laywomen and begged alms for the observance of their *Dhamma*. We shall allude later to the nuns, who preached the gospel of the Buddha to humanity as openly as their brother monks did. How could all this be possible, if their freedom were restricted? We are prepared to subscribe to the view that not only monastic women but even secular women in the Buddhist times enjoyed liberty to an honourable extent. Besides looking after their household, women had the option to share their husbands' calling and undertake any productive labour. Thus they were often instrumental in bringing *Lakshmi* or prosperity to their homes. This peculiar socialistic arrangement worked very well in the Buddhist society and it is still working very well in countries professing Buddhism, like Burma and Japan.

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1. *Milindapanha*, II—2—6.

Heavens have not fallen in these two countries, nor have moral chaos shaken the social order there, if the fair sex on account of Buddhist influences, has had a certain degree of economic and religious independence unknown anywhere in the Hindu India. We have pointed out above that the great teacher treated both the sexes alike. In his *Samaadrishti*, he saw no difference between man and woman. To him, the entire humanity was one confederation of brotherhood and sisterhood. Nay, his love and his compassion penetrated still farther. He did not stop even to discriminate animal life from human life. In his cosmopolitan outlook the life was one. The whole universe was infused with one and the same life, which manifested itself variously in variegated forms and descriptions. A lamb was as dear to him, as a frolicsome child of two. The supreme unity was visible to him all round. With such catholic vision how could he allot a status of inferiority to women who had limbs like his own, mind as his own and above all soul like his own?

Certainly he cherished with all his heart, the free and unrestricted expression of woman's propensities as he desired the full manifestation of man's capacities. Without any let or hindrance he wanted all men and women to march towards the goal of salvation. He

who aspired freedom for all people in the next world, how could he on this side of the world enchain in rigours a vast populace of womanhood? He who took pity even on the lowliest, the feeblest and the weakest of living beings, how could he be a cruel tyrant towards the weaker sex? We believe that it was a natural evolution of his thoughts, that convinced him of the propriety and the justice of woman's equality with man, a phenomenon which he had not visualised in his earlier years. We shall presently show while dealing with the religious status of women that the teacher wavered at first and sometimes openly denied women's rights but ultimately could not help granting freedom to the downtrodden half of humanity.

Now the next question for our consideration is whether divorce or dissolution of marriage was an approved practice in the Buddhist times or whether it was looked at with an eye of contempt.

Before referring to the relevant data in this connection, we may by way of explanation say a few words about the institution of marriage itself. The conception of marriage in the Buddhist texts—it should always be borne in mind—had substantially changed. The Hindu law-givers treated matrimonial alliance as a sacra-

ment which was complete only when it was performed before the sacrificial fire and solemnised duly by utterance of Vedic hymns. Astrologers and priests played a great part in the consummation of this holy function. But strange as it may sound, all the rites connected with the celebration of marriage disappeared in the Buddhist age. Marriage ceased to be a sacrament and instead became a strictly civil and domestic affair. No soothsayers were even consulted, no Brahmans taken into confidence, no vows observed, no oblations offered. Only joyousness and festivities marked the occasion<sup>1</sup> and no sacredness enjoined by the priesthood was even attached to it. This is another proof of the reactionary tendencies to which Buddhism fell a prey. In its antagonism with orthodox Hinduism it broke asunder all religious ties that encircled the institution of marriage. Brahmans according to the Buddhist belief, gained livelihood by low arts and lying practices and solemnisation of marriage was a mere device concocted by them for accomplishing their own personal ends.

But inspite of these perverse doctrines, Hindu traditions kept a hold on the mind of the general people. The household customs, especially nuptial rites continued to be observed as

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1. Tevigga, III—6—XI.

before. Matrimony though theoretically a mere family affair, yet in practice it was believed as an unbreakable transaction. Hence dissolution of marriage was a very rare phenomenon even in the Buddhist ages. All scholars of Buddhism are agreed that the inviolability of nuptial ties was a unique feature of the Buddhist society and in this respect Hinduism had exerted its irresistible sway.

We meet only with a few instances of divorce. Kana, when her husband married another wife, was taken by the king and later married to a noble.<sup>1</sup> Similarly mention is made of one Savathi woman who being divorced by her previous husband was wanted by the people to marry another man whom she did not like.<sup>2</sup>

As regards the grounds on which divorce was held valid, we may first allude to the exigency of woman's barrenness. We have already referred to it in connection with polygamy. Marriage without a fruit was an inconceivable phenomenon to ancient Aryans. A sterile wife was a veritable burden on the family. Either she was put away, *i. e.* divorced or allowed to stay in the house as a wife-slave. In all circumstances barrenness was held a great scourge on society and the misfortune of woman was all the more aggravated by man's contemptuous sovereignty.

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1. Dhamma. Com. 82.

Majjhima, H-109.

over her. She almost died under the disdainful superciliousness of her master but she had no alternative left for her except to resign herself to his mercy and act as he dictated.

Another minor reason for dissolution of marriage was uncongenialness on the part of woman. Thus we learn about the poor Isadasi who was forced asunder because she could not please her lord.<sup>1</sup>

But we must repeat that such cases were very exceptional. Especially in the Buddhist time we must record in fairness that disobedience and quarrelsomeness<sup>2</sup> on behalf of the wife were no excuse for abandonment. Nor was even a sick wife liable to be superseded. Certainly as compared with Manu and other Hindu law-givers, Buddhist texts are more charitable in this respect.

The last and the most reasonable ground for the breaking of matrimonial bonds was the guilt of adultery or unfaithfulness. It should however be remembered that unlike the Dharm Shastras, the Buddhist canons enjoin the vow of constancy on both the parties. Not only wife, but even husband, if found guilty of infidelity, was subject to estrangement by the other. This injunction made the stronger sex wiser and more cautious in contracting illicit relations with

1. Theri. XXII. 4. Manu. IX—81.

concubines and indulging in unlawful concupiscence and sexual extravagance.

"Let him not transgress with another man's wife"<sup>1</sup> is the most emphatic declaration of the Suttanipata. Goutama himself ordains in no uncertain terms :—

"Slaughter of life, theft, lying, adultery.

To these, no word of praise the wise award."<sup>2</sup> The Anguttra insists on the enormity of crime of unfaithfulness equally for men and women.<sup>3</sup> The Dhammapada also has nothing but strong denunciation for man's inconstancy. According to it, "four things does a wreckless man gain who covets his neighbour's wife—a bad reputation, an uncomfortable bed, punishment and lastly hell."<sup>4</sup> Another Sutta enjoins ostracism for him who is seen with the wives of relatives or of friends either by force or with their consent.<sup>5</sup> In the Milindapanha the punishment is more definite. According to it, whosoever commits adultery shall be liable to be fined or beaten or mutilated or broken or executed equally with the thief, the liar, the dacoit, the highwayman, the cheat and the swindler.<sup>6</sup>

All these emphatic declarations were to ensure the purity of relations. Man and woman once bound in ties of matrimony were treated as

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1. Suttanipata—395. 2. Dialogue, 182. 3. Anguttara, 390.  
4. Dhamma—307. 5. Vossala Sutta—8. 6. Milinda, IV-8-28.

an indissoluble whole. The breaking of a consummate union was not an easy job. Though the sacramental sense about marriage had disappeared yet in essentials it was ever the same. Therefore as in the Hindu polity, so in the Buddhist society, there was very little room for the practice of divorce. Barring a few exceptional circumstances noted above, it is quite reasonable to conclude that the Buddhist ages witnessed no radical transformation in respect of the institution of marriage and that they almost followed the tenets laid down by the Hindu Dharma Shastras. The result is that even up to the present time, the marriage traditions have had an uninterrupted course and they are still almost the same in the modern India.

Now our closing remarks must be about the status of a widow. The paucity of references to widows in the Buddhist literature leads us to infer that the widowhood was not attended with hardships. It appears from the scriptural data that widows went unabused in the Buddhist ages. They were not excluded from domestic festivities. Equally with their more fortunate sisters and sisters-in-law they were entitled to all family honours and privileges. If they chose to stay at home no severe austerities were imposed upon them against their will. Moreover they had the right to inherit property.

With all these amenities, life was not a burden to them and therefore they were not anxious to end it prematurely by a recourse to self-immolation.

The greatest consolation to the widowhood was the ever open order of almswomen. Whosoever grew sick of the world and found no joy in it had the option to lead a strictly religious life by embracing Buddha's Dhamma in practice. Herein they contemplated on the deep meanings of existence and devoted themselves entirely to the attainment of *Nirvana*. Like Rishis of the yore, they absorbed themselves in meditation and saw visions of transcendental realities. All painful remembrances of widowhood disappeared when they were initiated in a nun's life. And generally Buddhist women preferred divine asceticism to gross secularism. In the household however honoured and adored, they carried with them the indelible stigma of inferiority. Though generally protected by father, mother and brother, yet they were treated as orphans or *anathas* if the cruel providence left them without husband. We read in the *Jatakas* :—

"Bare and naked is a woman seen  
Who having brothers ten, yet lacks a mate.<sup>1</sup>  
Such sentiments are indicative of the

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1. *Jataka*—547.

fact that widowhood though not fraught with severe hardships was still an unbearable disaster that could befall a poor creature like woman.

As regards widow-remarriage the documentary evidence discountenances its prevalence in the Buddhist society. Certain it is, that as in the Hindu period, so in the later ages, the idea of a widow's entering in another matrimonial alliance was held almost sacrilegious. Though man was at liberty to marry a second, a third or a fourth wife at the death of his previous wife, yet for woman the penance prescribed by scriptures was deemed imperitive and inviolable. We meet therefore with very few cases of widow-remarriage in the Buddhist epoch. They are mere exception to the general rule that obtained in India. Thus we find a passage in the Anguttara which suggest only indirectly about the remarriage of a widow. A woman called Nakulmata, sitting by the death-bed of her departing husband utters the words, "My dear husband I won't marry after your death."<sup>1</sup> Similarly a glimmer of light in this connection is provided by the story in the Jatakas in which a certain woman is asked by the king to get freed either her husband or her son or her brother. In reply the woman says, "O king free *my brother*—hus-

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1. Anguttara, III—295.

band and son I can have once more, but brother I cannot have.”<sup>2</sup>

It is only a matter of conjecture whether the practice of *Niyoga* was in vogue in the Buddhist ages or not. We are inclined to believe that the sanction given to it, during the epic-times, continued even upto the Buddhist days. Widows who for some practical difficulties could not repair to the holy order and stayed behind in the world sometimes resorted to the practice for the continuation of their family, for being barred from remarriage they had no alternative left to them. *Sati* or post-cremation, we have already observed, was practically non-existent and surviving widows found solace either in the sisters' convents or in the household as mothers of children. And even without being mothers, they were treated with honour at least, not with undisguised despite and contumely to which they were certainly subjected in the preceding Hindu ages.

## WOMEN UNDER BUDDHISM (*Continued*)

### CHAPTER XIV

#### Their Religious Status

The doctrine of religious inseparability of husband and wife enunciated by early Aryans was maintained, to a certain extent by the Buddhist law-givers as well. The Buddha himself appears to have held the same view for a considerable time, but later he was brought round to grant religious independence to women. At first he believed that it was only by close union with her husband that a wife could ascend the blissful region of spiritual salvation. The path of *Nirvan* was not open to her, unless she was accompanied by her religious guide, friend and philosopher. According to Buddhist dicta, if a man was in fruit of the third path, then her wife could be in the fruit of the second path.<sup>1</sup> By steps, the female partner marched onward with her torch-bearer, who unfailingly showed her the illumined way of divine blessings. That in the observance of religious practice, both, husband and wife were bound to proceed together and that the weaker half

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1. *Dhamma Com.* 21, 23

had the inalienable right of sharing all spiritual merits of the other half, is a phenomenon quite understandable to those who are acquainted with the deep-rooted traditions of the Hindu society. What passes our comprehension is why the separate religious entity of the gentler sex was never acknowledged by any law-giver in ancient India. A married woman may fulfil her religion with the aid and assistance of her life-companion, but why a maiden or a widow be debarred from performing the act of virtue, if she was inclined to do so. Marriage itself ought not to have been compulsory in the case of women as it was not in the case of men. Whoever had the desire and strength in him or her for leading a life of celibacy and righteousness, he or she without any sex consideration should have been allowed to act accordingly. Any distinction in the matter was transparently illogical and iniquitous.

And this injustice was realized later and it was rectified by the Buddha himself. The Teacher at first preached Dharma to women when they were accompanied by their husbands. Thus mention is made of one household Pokhar Sadiya who went with his consort to Gautama and received religious instructions from him<sup>1</sup>.

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1. Dialogue, S. B. E, I--p. 135.

Likewise in the Dhaniya Sutta we learn about another householder who says:—‘Both my wife and I am obedient ; if we lead a holy life before the Sugata we shall conquer birth and death and put an end to pain.’ Yet there is one more passage recording the fact that the inseparability of husband and wife in religious matters was the view subscribed to by the Buddha in his early teachings. After giving antecedents of a Brahman, the passage proceeds:—“The Teacher perceived that Brahman Magayandiya and his wife possessed the disposition requisite for the attainment of the fruit of the third path.”<sup>1</sup>

The entrance of women to the order of the holy church and the Buddha’s reluctant permission for forming an almswomen’s organization are interesting episodes not without some romance. Mahapajapati, the foster mother of the Lord himself, actuated by feelings of her spiritual welfare repaired to the Teacher and entreated him for initiation in the Order. To Gautama it was quite a new experience. For the first time, a woman had approached him independently with a request for admission in the religious organization. The Teacher pondered over the question, but he was not convinced of the propriety of women’s taking to

religious life. To Mahajapati his poignant reply was :—"Enough O Gautami, do not ask women to retire from household and take to the state of houselessness."<sup>1</sup>

Mahapajapati was disappointed. She wept piteously and grumbled under the injustice of the Buddha. She repaired a second time to the Teacher and entreated him once more for admission in the Order. The reply was the same :—"Enough O Gautami, do not ask women to retire from household and take to the state of houselessness." Again she went away despondingly and bemoaned the fate of her sex bitterly.

Yet a third time she made bold to go to the Buddha with her old importunity and the reply was still the same. The poor Mahapajapati, overpowered with intense feelings of remorse and humiliation left the place of her home and wandered to and fro with swollen feet, sunken eyes and her hair cut off. As coincidence would have it, once Ananda happened to be in the same forest where the unfortunate woman was roaming about aimlessly. The disciple of the Buddha saw her pitiable condition and himself felt the injustice done towards her by the Teacher. He took upon himself the task of getting the wrong undone. One morning he waited on the Lord

and humbly enquired of him about the reason as to why he was disinclined to admit women to the doctrine and discipline of the Tathagata.<sup>1</sup> The Teacher's characteristic reply was, 'Enough O Ananda, let not women retire from household and take to the state of houselessness.'

But the real cause was the lurking disbelief in the Buddha's heart about the destiny of womanhood. He considered women, by their character, as incapable of any higher achievement. In one of his pronouncements he declared that "unfathomably deep like a fish's course in the water, is the character of women. They are like robbers with many artifices, with whom truth is hard to find, to whom lie is like the truth, a truth is like a lie. No heed should be paid either to their likes or their dislikes."<sup>2</sup> This description of woman's nature is only surpassed by another version full of strong denunciation to be met with in the renowned epic-poem e.g. Saundarananda. Acharya Ashvaghosha, a great celebrity of the Buddhist ages, while advocating the cult of asceticism holds women as the greatest obstacle in the path of virtue. In his poem he makes the Buddha to pronounce that women are like envenomed creepers, like unsheathed

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1. Sutta Vagga, X—1. 2. Jatakas—4.

swords and like dens of horrible reptiles always to be afraid of. He adds that burning flames of fire can be put out, blowing blasts of unbodied air can be arrested and even an indignant serpent can be appeased but hearts of women can never be subdued.<sup>1</sup>

With such positive views of disdain about womanhood the Buddha could not easily grant the fair sex the religious emancipation that Mahapajapati demanded. The clever disciple Ananda, intent upon persuading the Lord, now put to him a very inconvenient question which ran as follows :—

“ Are women competent, Reverend Sir, if they retire from the household life to the homeless one under the doctrine and discipline announced by the Tathagata, to attain to the fruit of conversion, to attain to the fruit of non-returning, to attain to the fruit of never-returning, to attain to the fruit of Arhata ? ”<sup>2</sup>

Gautama was silent on the query and denied not the competence of women with respect to all things indicated above. Thus the Lord’s consent was secured. Ananda rejoiced that his efforts were crowned with success and that he was instrumental in ameliorating the lot of women. The happy tiding

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1. Saundarananda, VIII—31, 36.

2. Sutta Vagga, X—1.

was conveyed to Mahapajapati, who lost no moment in rushing to the Teacher. Thus the Buddha in consultation with Ananda inaugurated the order of alms-women as a separate religious institution. The first woman initiated into the fold of the new order was Mahapajapati herself whom other women in their thousands, including Yashodhara Gautama's wife, followed. In this way the status of women was elevated tremendously. Women were no longer tied round their husbands for obtaining religious emancipation. They could, according to the revised injunctions of the Buddha, work out their own destiny and achieve salvation.

The first sermon that the Buddha delivered to Mahapajapati and her associates was the same which he gave generally to men, on their admission to the order of monks. About the discipline and doctrine of the Tathagata, the solemn words uttered by the Teacher on this occasion were :—

“ Whatsoever O Gautami, conduced to absence of passion, to absence of pride, to wishing for little and not for much, to seclusion and not to indolence, to contentment and not to quarrelsomeness, verily that is the true doctrine.”<sup>1</sup>

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1. *Sutta Vagga, X—5.*

By this identical sermon to the male and female disciples, the Buddha decidedly acknowledged the equality of both the sexes at least in the religious sphere. The order of almswomen, once established, assumed gradually a formidable form. In Rajgrīha alone not less than six thousand nuns with Mahapajapati at their head practised severe austerities with spiritual thirst in their hearts. Yearning for the supreme bliss of life, these unostentatious adherents of the Buddha explored their ways of Dharma. Inspired with noble ideals, fired with unshakable faith in their own destiny and enkindled by the unfailing support of the great Buddha, they left no stone unturned in proving their full competence for an independent life of virtue and justifying the trust placed in them.

"Am I woman in such matters, or  
Am I man? or what am I then?  
How should the woman's nature hinder me?"

Arguing in a manner like this, discarding their sexual self, women-disciples of the Buddha had no difficulty in achieving what they yearned for. The Teacher himself was so impressed with their dead earnest that to Anand he was compelled to acknowledge once more that 'women are capable of Arhatship.' In the Saddharma

Pundarika, a very authentic scriptural document, he once more declared :—“Whoever is able to keep, recite or teach, were it but a simple stanza of four line sand whoever shows respect for the Dharma, that young man or *young lady* of good family must be considered to be a Tathagata”<sup>1</sup>). And the daughter of Sagara, the Naga King, is mentioned in the same book to have said, “I obtained enlightenment according to my wish. The Buddha can bear witness to it. I will extensively reveal the law that releases from sufferings.”<sup>2</sup>

Doubts with regard to women’s propensities for spiritual attainment were entertained for a considerable time. The stronger sex in its vanity dubbed women as perpetual minors who without the aid of their superior masters could achieve nothing in the world. This sceptical attitude on the part of early Buddhist preceptors was responsible for women being neglected altogether in the religious regeneration of the country. The venerable Sariputra, an eminent Buddhist pioneer of the Faith had himself displayed the same attitude of disbelief in a dialogue with a lady, practising austerities.<sup>3</sup> “Thou hast conceived the ideas of enlightenment, young lady of good family, without sliding back and are gifted with immense wisdom,

<sup>1</sup> *Saddharma Pundarika*—X 2. *Ibid* XI 3. *Ibid* XI

but supreme perfect enlightenment is not easily won. It may happen, sister, that a woman displays an unflagging energy, perform good work for many thousands of Aeons and fulfil the six perfect virtues, but as yet there is no example of her having reached Buddhahood, because women are known to have never occupied the five ranks, *viz.*, the rank of Brahma, the rank of Indra, the rank of the chief guardian of the four quarters, the rank of Chakravarti and the rank of a Bodhisatva."<sup>1</sup>

But it was left to the Buddha to ordain it otherwise. After having thrown open the portals of the Order to them, women could no longer be restrained by him from ascending the heights which their brother adherents could reach. Gautama had himself to acknowledge before Mahapajapati that she, along with other six thousand nuns partly perfected and partly not, was quite capable of becoming a Bodhisatva and a preacher of the Law.<sup>2</sup> The same view is expressed in another place where Bodhisatvas are said to preach Dharma sometimes under a monk's shape and sometimes under a nun's, sometimes under a male disciple's form and sometimes under a female lady-devotee's.<sup>3</sup>

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1. *Saddharm.—XII.* 2. *Ibid XII.* 3. *Ibid—XXIII.*

Therefore it is pretty clear that so far as the Buddha himself was concerned he had little hesitation in allowing women to take to ascetic life and reach any spiritual height which they could, by their own efforts. According to his views, a hungry soul—be it that of man or woman—was entitled to the spiritual food and there was no reason in preventing anyone from obtaining it independently. To these views of his the great Buddha stuck till the end of his life.<sup>6</sup> Even towards the close of his journey he was full of optimism and defied also death by saying :—

“I shall not die, O evil one, until the Brothers and Sisters of the Order and until the lay-disciples of either sex, shall have become true hearers, wise, and well-trained, ready and learned, versed in scriptures, fulfilling all the greater and the lesser duties, correct in life and walking in the precepts.”<sup>7</sup>

“Until they having thus themselves learned the doctrine, shall be able to tell others of it, preach it, make it known, establish it, minutely explain it and make it clear. Until they, when others start with vain doctrine, shall be able by the truth to vanquish and refute it and so to spread the wonderful truth abroad.”<sup>8</sup>

### THEIR RELIGIOUS STATUS

It was to fulfil such high aspirations of his, that the Buddha had to throw open the Order to both the sexes. The Teacher's passionate longing for the wide spread of the true faith, made him to recognise the important part that women could play in religious observation and propagation. It is a mistake to think that only to provide consolation to the widowed women, the Order of Nuns was organised and consolidated. That was no doubt a secondary objective but the primary purpose was the spiritual elevation of the weaker sex. As it has been indicated in the preceding pages, it was on the initiative of women themselves that the Buddha had to concede religious liberty to them. Impelled with various motives, women flocked to the Order. (Unfortunate widows no doubt formed the majority, nevertheless the number of married and unmarried women was not small. To many, domestic troubles gave the necessary impetus; to others, the transiency of the world was an overwhelming phenomenon. But the thirst for unending peace was, by no means, an uncommon factor.) Mahapajapati the premier female disciple of the Buddha had no other motive but the quenching of the same thirst. Six other women who renounced the world simultaneously with Mahapajapati had also the same objective in view. Ubiri,

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another woman is mentioned to have left the house, for her 'beloved daughter' had died. At the feet of the Master she found the necessary solace to her heart. Likewise Somavati entered the Order, because she realized the domination of impermanence in all mundane affairs. Yet there were others who regarded the world a positive blessing and still preferred to embrace the new order of nuns. They were actuated by no other incentive than that of search after truth and once engaged in the quest they found no joy in ephemeral matters. Thus we find a rich lady Sabha, exclaiming on the eve of her renouncing the world and undertaking a life of asceticism in the Order of alms-women :—

"In me arose discernment of the truth.  
Thereat, all earthly pleasures irked me  
sore.

So I foresook my world.

Turning my back on no mean estate"<sup>1</sup>

These causes of renunciation implemented by many others were instrumental in bringing into existence a wonderful institution which had a very interesting history of its own. Entrance to the Order was regulated by many ordinances and laws. For instance, married women could only be admitted if they had

gained an explicit permission from their husbands. Likewise maidens had to obtain the consent of their parents. A slave woman unless freed by her master and a woman under twenty years of age was debarred from entering the organization. After once undertaking the monastic life women were bound like their brother monks to sever all conjugal and parental relations.) No woman could think of her home or family. All her attention was to be rivetted on the foci of eight noble paths. She was to shun all temptations, all allurements leading her astray. In a nunnery she was subjected to many a severe test and tried for her fitness. The wavering minds were strengthened, the vacillating hearts were invigorated and brought to a settled state. After practising austerities for a certain period of time, woman in the Order was known as Bhikkuni.

'A Bhikkuni trained in the higher sense  
 All sundered are her bonds, her task is  
 done  
 And the great drugs that poisoned her, are  
 purged.<sup>1</sup>

We must not here fail to record the eight special regulations which the Buddha had laid down while admitting women in the Order. On the eve of granting permission, the Teacher

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1. Therigatha—364.

made it quite plain to Ananda that without the observance of these regulations on the part of women, he was unwilling to accede to their entering an ascetic life. These regulations were made known to Mahapajapati who was only too ready to accept them for gaining admission to the Order. We quote below, these eight chief rules as given in the *Sutta Vagga*<sup>1</sup> :—

1. An almswoman, even if of a hundred years' standing, shall make salutation to, shall rise up in the presence of, shall bow down before and shall perform all proper duties towards an almsman, if only just initiated.

This is a rule to be revered and reverenced, honoured and observed and never to be transgressed.

2. An almswoman is not to spend the rainy season of *vassa* in a district in which there is no almsman.

This is a rule to be revered and reverenced, honoured and observed and never to be transgressed.

3. Every half month an almswoman is to await from the Chapter of almsmen two things—the asking as to the date of *Upasatha* ceremony and the time when the almsmen will come to give the exhortation.

4. After keeping the rainy season of

*vassa* the almswoman is to hold *Pavarana* (to enquire whether any fault can be laid on her charge) before both the Sanghas, *i.e.*, that of almsmen and that of almswomen with respect to three matters, namely, what has been seen, what has been heard and what has been suspected.

5. An almswoman who has been guilty of a serious offence is to undergo the *Manatta* discipline towards both the Sanghas.

6. When an almswoman as novice has been trained for two years in the six rules she is to ask leave for the *upsampada* initiation from both the Sanghas.

7. An almswoman is, in no pretext, to revile or abuse an almsman.

8. From henceforth official admonition by a woman of almsman is forbidden, whereas the official admonition of an almswoman by a man is not forbidden.

These foregoing rules call for some explanation and comments. The analysis of the first injunction leads us to believe that the Buddha was clearly biased against the weaker sex. ~~He is not prepared to acknowledge the seniority of women in any shape or in any condition.~~ Reminded by Ananda of the iniquity involved in his first regulation, the Buddha gave once more the unequivocal reply. "This is impossible

Ananda, and unallowable. You are not almsmen, to bow down before women or to perform towards them, those duties that are proper from an inferior to a superior."<sup>1</sup> Thus according to this rule, almsman of any standing was to be saluted by an almswoman. The perpetual minority inflicted on the female sex is simply inexplicable. It passes our comprehension how the great Buddha could reconcile himself to the transparent injustice implied by the first regulation. Perhaps the cause for this narrow-minded attitude might be traced to the lingering hesitation with which he viewed the admission of women in the Order. For the Teacher it was a new experiment fraught with many grave risks. All the special rules devised by him were necessary safeguards adopted as a precautionary measure. The first regulation was especially framed with a fear that women might not surpass men in the religious sphere. The second rule is not much objectionable. It was formulated with a desire that the teaching of Bhikkunis might be effective. The presence of almsmen was made necessary because they were more competent in the doctrine and discipline of the Tathagata. During the rainy season all peregrinations were to be stopped and it was desirable that almswomen should preach

the Dhamma only with the assistance and direction of almsmen. The rule however reflects to a certain extent, that the competence of women was not always trusted.

The *Uposatha* ceremony mentioned in the third rule was a performance in which confessions were made on the part of almswomen before men. It was made a *paccittiya* offence if any woman failed to attend the *Uposatha* ceremony. (Almswomen went also to men for receiving exhortation.) The whole Chapter of nuns was required to do so. (By this regulation the religious inferiority of woman was still more affirmed.) The fourth and the fifth rules are only continuation of the third regulation. Women are thereby expected to purge their souls of all uncleanness and sin. With pure hearts and unsullied spirit they strove for the eternal bliss of Nirvana. These regulations enjoined on them to keep their conduct upright, virtuous and uncontaminated with impiety.

*Upasampada* ceremony was another important function with respect to almswomen. After spending a year or two in probationary period, almswomen were received in the category of alder-women. Whoever had practised the six previous rules of conduct, was required to undergo the *Upasampada* ceremony by which he quitted the noviciateship and was registered as

the senior member of the Order. To all entrants to the Order, it was indeed a matter of serious and momentous importance that they were recognised in a reasonable space of time as fit for the status of an alder-woman. This confirmation-ceremony could be performed by both the Sanghas. A Chapter of almswomen was fully entitled to celebrate this important affair and confer on many deserving members of its Order the title of alder-woman. Sometimes it was the Buddha himself who ordained a woman to the exalted status. It showed his solicitousness about the religious welfare of womanhood. Once having admitted them in the Order, it was his affectionate concern to see that they were progressing on the path of virtue uninterruptedly. Thus he himself initiated at Rajgriha two women named Sariputta and Mahamaggalona<sup>1</sup> to the fold of the holy church and performed the *Upasampada* ceremony of a courtesan woman—Addhakashi.<sup>2</sup>

The seventh and the eighth rules are by no means innocuous. We can understand the regulation that no one should revile or abuse the other. But invidious discrimination made in respect of women is inexplicable. Why a senior almswoman is not entitled to admonish a junior almsman in his failings is

more than we can comprehend.) Only by sex exigency man is not born superior to woman. It is by merits and virtues that worth of a person must be appraised. An elderly woman of forty or fifty is certainly entitled to more respect and reverence than a raw youth hardly beyond his teens. To dub women as perpetual minors is the worst form of coercion that man can perpetrate on the womanhood. That the Buddha with all his solicitousness for women could not help sanctioning this abominable tyranny on them is a sad commentary on his otherwise catholic vision and keen intelligence.

In fact all the foregoing rules and regulations were conceived in a spirit of distrust. But we shall presently show that despite these unwarranted and uncalled-for restrictions and limitations on them women had no difficulty in realising their spiritual aspirations. The Buddha himself knew that the special laws enacted by him, were incapable of strict and literal application. He in his life-time connived at many irregularities of an insignificant nature, so long as the spirit of the above regulations was being adhered to. The result was that a very splendid galaxy of devoted almswomen—known as Theris—sprang up who practised the Dhamma so gloriously that for these noble ladies only, Buddhism rose in the eyes of the

world to a very high pedestal. The beautiful psalms of sisters or as originally styled the Therigathas are wonderful chronicles, fortunately still extant, which give vivid accounts of the almswomen's pious activities. Mrs. Rhys David who has made a special study of the subject, writing about the Order of sisters says : ' It is equally clear that by intellectual and moral eminence a Theri might claim equality with the highest of the fraternity.'

The Theri-gathas in themselves are a collection of seventy-seven verses by individual almswomen. Mrs. Rhys David discussing about these verses opines that all of them are not necessarily works of those whose names are transcribed thereon. Yet she admits that an individual note rings through all of these immortally beautiful verses. They are so full of divine ecstasies that no reader of them can help feeling their sublime profundity and serene spirituality. The deep insight exhibited in these psalms elevates their saintly poetesses to a very high plane of imperishability.

Theris did not belong to any particular caste or creed. They came from all classes and all strata of the society. The Buddha did not make any distinction with regard to women among themselves. Thus we learn that out of the seventy-seven Theris recorded in the Theri-

gathas not less than twenty-three belonged to royal noble families. About thirteen entrants had come from families of merchants. And entrants from the priestly class numbered only seven. The courtesans and females of other miscellaneous classes whose approximate strength was about fifteen also achieved the status of sisterhood without any let or hindrance. All this indicates that women had an easy access to spiritual matters and they were entitled to strive independently for their own religious ideals and objectives.

In the book of psalms itself we meet with a lady named Soma who is convinced of the inherently equal capacity of both the sexes for gaining Arhatship. Says she :—

“ What should the woman's nature signify  
 When consciousness is tense and firmly set.  
 When knowledge rolleth ever on, when she  
 By insight rightly comprehends the Norm.”

What an appeal for equality. Indeed almswomen were in no respect less advanced in the observance and practice of the Dhamma than their so-called senior members of the fraternity. Mahapajapati, the reputed founder of the Order of almswomen, Kisa Gautami a kinswoman of Gautama and Khema the consort of the king Bimbisara—all these noble ladies were patterns of womanhood who in their times were looked

upon, as beacon-lights for safe guidance and sound direction.<sup>1</sup> They were models even for almsmen. This fact was acknowledged by the Buddha himself. Often to the new entrants he used to say, "If thou my dear, go forth from home to the homeless, see that thou becomest like the almswomen Khema and Uppalvarna. These almswomen are the standards of Gautama's disciples."<sup>2</sup> Especially about Khema, mention is also made in the Samyutta Nikaya that a lovely rumour is gone abroad that "she is a sage, accomplished, shrewd, widely learned, a brilliant talker, of goodly ready wit."<sup>3</sup>

In the Jatakas, we read about many more pious ladies who were highly conversant with the precept and practice of Buddhism. One wonders if the rudiments of knowledge were denied to women, how could they become exponents of their own faith? We on the contrary are inclined to believe that education, whatever its form in the Buddhist ages, was not withheld from the female sex. Equipped with fundamental principles of knowledge only, they could comprehend rightly their own religion and its deep moral and ethical significance. Thus we learn about women as Sukha and Patachara,

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1. Samyutta V—2                    2. Theri. 395

3. Samyutta. XII—2

who are said to be fairly versed in Vinaya. Bhadda-kundal-kesha, another talented lady, is mentioned to have reached the highest knowledge.<sup>1</sup> A counterpart of philosophically minded women like Gargi and Maitreyi of Upanishads is one Vajira, who discusses the topics of *Satta*—concrete living entity—as opposed to the notions of *Anatta*—not self. Not only this, but there are many more discourses delivered by gifted Theris on abstruse metaphysical topics which bear ample testimony to the fact that women under Buddhism had full liberty of intellectual equipment. This most certainly enhanced their general status in society. Even the monks, who in envy have chronicled the achievements of the Theris only imperfectly, were put to humiliation by the magnificent services that the great intellectual ladies of the time, rendered to the Faith. Almswomen as preachers of the doctrine formed a brilliant galaxy of their own. Wherever this divine company peregrinated, it delivered the soothing message of the Dhamma to the suffering humanity in an inimitably effective way of their own. Of these women preachers, Sukha was the most eminent teacher of the Faith. Wherever she rose to speak on the doctrine, pin-drop silence prevailed and the

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1. Jatakas—542.

assembly was spell-bound by her solemn peroration. All listened to her mellifluous, sweet sermons with reverence and with rapt attention. Mahapajapati and Patachara also were acknowledged as good exponents of the Dhamma. Dhamma Dina—another accomplished lady, hailing from a merchant family also became a preacher of pre-eminent worth. The most brilliant talker of religion was Khema. Her profound erudition had impressed even the king Pasenadi. The latter had asked her questions on the abstruse phenomenon of existence or non-existence after death. He was wonderstruck to find that her answers literally harmonised with those given by the Master to whom he approached later with the same questions. This peculiar event signifies that the female disciples of the Buddha, had so thoroughly grasped his teachings that identity of views was a natural consequence. Tulla Nanda and Kapilani were two other talented ladies who excelled each other in the exposition of the doctrine. The King Pasenadi often repaired to these teachresses also for receiving precepts and dispelling doubts on complicated matters of metaphysical importance. Mallika—the queen-consort of the king Pasenadi himself was a very spiritually inclined woman. She was in the habit of inviting great mendicants and

listening to their scriptural expositions. She was fond of holding discussions as well, on subjects relating to the doctrine. Her mind was immutably set on matters divine. With deep reverence she attended the discourses delivered by Niganthas, Ekalas, Paribbajakas and other teachers of the Faith. An auditorium was specially constructed by her, for holding divine services now and then. We read a vivid account of this in a Buddhist text Pathapada Sutta. "Thus have I heard," narrates a disciple, "The Exalted One was once staying at Savathi in Anathpindika's pleasance in the Jeta-wood. Now at that time Pathapada, the wandering mendicant, was dwelling at the hall, which was put up in queen Mallika's park for the discussion of system of opinions—the hall, set round with a row of Tinduka trees and known by the name of 'The Hall.' And there was with him a great following of mendicants to wit—three hundred mendicants."<sup>1</sup> By this description we feel once more ushered in the bygone ages of the Upanishads when the king Videha used to hold divine conventions attended by great seers and scholars, for unfolding the mysteries of universe and other perplexities of theology.

Besides the above intellectual capacities which women in the Buddhist ages had proved

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1. Pathapada—1.

beyond contradiction, the spiritual triumphs attained by them were also equally glorious. It is indeed a matter of pride that the female sex could so successfully shake off pre-conceived notions of their religious incapacity and once set on the right path, could pursue it so doggedly and so defiantly of all earthly impediments and hardships that the Buddha was compelled to accede to them perfect religious equality, though qualified from time to time, by many a fearful safeguard. According to pre-conceived notions and traditional dogmas, it was generally believed that 'it is impossible for a woman to be Arhan—all-enlightened—but it is possible for a man to be, just as it is impossible for a woman to be emperor of the world, but it is possible for a man to be.'<sup>1</sup> In another text we find that 'a woman will not become a Buddha—absolutely holy and perfectly enlightened.'<sup>2</sup>

Kisa Gautami wept for this lot of women. She practised severe austerities to prove to the hilt, the spiritual potentialities of womankind. And we are not amazed to find this pious lady declaring towards the end of her protracted austere labours :—

Nibban have I realised and gazed  
Into the mirror of the holy Norm.

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1. Majjhima, III—13. 2. Anguttara—I, pp. 112.

There are other female disciples of the Buddha who are mentioned in the Jatakas to have attained high status in the spiritual sphere. One Sugata reached Arhanship while continuing as a lay-woman. The efforts of a lady named Sona also were crowned with supreme success. Although she came of an unknown low caste, yet nothing stood in her way of spiritual advancement. Sigalmata—another woman of doubtful family is said to be emancipated in an early period of her life.<sup>1</sup> Bhadda-Kundal-Kesha had enjoyed the privilege of being initiated into the Order by the Lord himself :

" Come Bhadda, the Master said,

" Thereby to me was ordination given."<sup>2</sup>

She too is described as possessing the highest knowledge at an early age. All these illustrious ladies had, in truth, achieved all that their brother ascetics could. The eight-fold noble path was pursued as perseverently by these female devotees as by their male associates. The Teacher does not seem to have put special efficiency-bars in the case of women. They were let free to attain to any spiritual height which they could by their independent efforts. Thus to give one more proof only, we come across with a clear passage in the Anguttara

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1. Jatakas. 542. 2. Theri, XLVI.

Nikaya<sup>1</sup> which mentions 'that two *Devas* appeared to Gautama and informed him that some almswomen had—in celestial regions—become completely freed and emancipated.' The unending bliss of Nirvan was no monopoly of any particular class or sex. Any human being could aspire to it and could endeavour for its attainment. The sex-distinction evaporated in the plane of spirituality :

" And be it woman, be it man, for whom  
Such chariot doth wait, by that same car  
Into Nirvan's presence shall they come all."<sup>2</sup>

Now before closing the present chapter, we deem it proper to make a few passing remarks about the religious activities of secular women who had chosen to stay behind and who for various reasons had refrained from joining the Order of almswomen. The real fact is, that life in the Order was no bed of roses but a virtual bed of thorns. Those ordained into it, had to lead a very hard life, full of extreme self-denials, cruel penances and severe austerities. The virtue of non-possession was strictly to be adhered to, even in trying circumstances. For instance, no initiated person was allowed to keep with him or her more than eight specified belongings *i. e.*, three robes, alms-bowl, razor, needle, girdle and a water pitcher.

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<sup>1</sup>. Anguttara, II—pp. 144. 2. Samyutta, I—5—6.

Besides, perfect celibacy was to be observed, breaking asunder all previous relationships. No niceties, no idiosyncrasies and not even simple amenities of life were to be indulged in. In brief, the lot of an almswoman was most excruciating and enervating to an ordinary folk. All and sundry had not the courage to invite it for themselves. The people at large having average propensities could not dare easily adopt a life of stern rigidities. They naturally preferred to continue in their mundane existence and try in their own way to follow in the footsteps of Gautama Buddha. The acts of virtues enjoined by the Teacher were faithfully practised by them and besides the noble eight-fold path was never lost sight of. And these worldly people formed a very important class of the Buddha's adherents. They were known as laity or lay-devotees. These included members of both the sexes. Lay-women in their household did practise deeds of righteousness, philanthropy, service and other moral virtues. They were addressed by mendicants who came to them generally for begging alms as *Bhaginis* or sisters. The excellence of these lay-sisters consisted in the fact that they with all their resources helped almspeople in the fulfilling of the Dhamma without the least hindrance.

Thus the lay-women held it a matter of

great pride if they could accord a welcome to a thousand of almswomen and men and offer food to them in their houses. Two such proud women were Subadda and Nanda Mata who had enjoyed the privilege of entertaining about two thousand mendicants for several days. Besides this, gifts of robes and other necessary apparels of the almsmen and women were provided by the laity. In times of physical illness, the lay-people generally furnished medicines and attended on the sick. One such ministering angel was Suppiya—a very pious lady who every morning went round the quarters of almspeople and tenderly nursed the suffering man or woman. About her it is so pathetically sung in a Buddhist treatise :—

"She cut a piece of flesh from her own  
thigh,  
So as to supply an ill almsman.  
With some broth at a time  
When there was no meat to be had."<sup>1</sup>

Another great laywoman, a detailed account of whose religious activities is given in the Buddhist text, is Vishakha. She was a striking figure of strong moral character and a very faithful follower of the Lord. With the permission of her husband Punya Vardhana, she invited once the Teacher with three thou-

<sup>1</sup> *Mahāvagga*, VI—23-3.

sands of his disciples and devoutly entertained them with her lavish hospitality. From the Buddha, who was especially kind towards her, she got the eight boons, including the feeding of almspeople, the clothing of almspeople, the nursing of almspeople and so on. Indeed Gautama was so much impressed with her religious proclivities and charitable spirit that he himself accepted at Savathi a towel from her, as a token of her intense affection for the Faith. Vishakha never went to the fold of the Order, yet by her philanthropic and pious deeds, she entitled herself to all religious fruits which almswomen in their respective spheres could achieve. Not only this, she is mentioned to have converted even her father-in-law and mother-in-law from the worship of naked ascetics, *i. e.*, Jainas to the worship of the Lord Buddha. Thus Vishakha, even a lay-woman, wielded a powerful influence in her own family, in the aristocracy to which she belonged and also in the holy Order which by her charity she had so much obliged.<sup>1</sup>

There were yet other lay-women who had reached sufficiently high religious positions. Many queen-consorts of royal families were so much imbued with teachings of the Buddha that they were instrumental in bringing round

their husbands to the doctrine and discipline of the Thathagata. For instance, Mallika, to whose spiritual inclinations a reference has already been made, converted her husband king Pasenadi to the new Faith. Likewise Somavati and Khema, two other royal princesses were successful in persuading their husbands, Udayana and Bimbisara respectively, to accept the holy doctrine and further they played the important role of preachers for the dissemination of the divine truth. Sisters Bimbo Devi and Subha also are mentioned in this connection as great exponents of the law, who by their godly doings obtained spiritual bliss even as lay-women.

So our conclusions about the religious status of women in the Buddhist ages are that whether as lay-women or almswomen, they occupied a distinctly superior place to what they ever had filled in the preceding Hindu ages. As nuns they formed a distinct community of their own in the Buddhist church. They had their own Sangha which was guided by the same rules and regulations as that of the monks, though a Bhikkuni-Sangha was for all practical purposes subordinate to the Bhikhu-Sangha. The ordination of the Bhikkuni was performed greatly in the same way as that of a Bhikhu—though the former was to be confirmed by the latter. We agree also

to the view that the general tendency of the Buddhist canon-law was to assign a distinctly inferior position to the Bhikkunis, as the great Buddha was of the opinion that their admission to the Buddhist church was calculated to destroy its purity. Many safeguards were devised to avert this evil but the essential principles guiding the corporation of monks were equally applicable in the case of that of nuns.

About the religious status of laywomen we only refer the reader to Vishakha with regard to whom and others, Oldenberg, the great occidental scholar has so particularly and so eloquently remarked, "Pictures, like this of Vishakha—the benefactress of the church, with their inexhaustible religious zeal and their not less inexhaustible resources of money, are certainly, if anything ever was, drawn from the life of India in those days. They cannot be left out of sight, if we desire to get an idea of the actors who made the oldest Buddhist community what it was."

## WOMEN UNDER BUDDHISM— *(Continued)*

### CHAPTER XV

#### Their Political and Legal Status.

"If Ananda, women had not retired from household life to the houseless one under the doctrine and discipline announced by the Tathagata, religion Ananda, would long endure; a thousand years would the Good Doctrine abide. But since Ananda, women have now retired from household life, not long Ananda, will religion endure; but five hundred years Ananda, will the Good Doctrine endure. Just as Ananda, those families which consist of many women and few men are easily overcome by burglars, in exactly the same way Ananda, when women retire from household life to houseless one under a doctrine and discipline, that religion does not long endure."<sup>1</sup>

With these words of diffidence had the Teacher permitted women to enter the order of almswomen. He was doubtful whether the female sex was ever capable of shouldering heavy responsibilities of a religious life. The experiments which he made irked him sorely and he was always uncertain whether women had justified

### THEIR POLITICAL STATUS

the trust placed in them. He was conscious of the fact that the religious independence of women was a serious innovation which ought necessarily to be qualified with limitations and reservations. He admitted women's inherent right to work out their own destiny, yet he wanted them to be more or less followers of his male disciples. The sole test of their spiritual success was the extent to which they could mould themselves in imitation of men-mendicants.) The nearer they approached the fraternity, the more confirmed were their religious achievements. The particular obeisance enjoined on women towards the brotherhood was a part of discipline which the Buddha wanted to enforce strictly. The fact that a priestess of even hundred years' standing was to salute, rise to meet, entertain humbly and perform all respectful offices for a priest even if he were but that day ordained—is only an index of Gautama's shrewd suspicion which in his mind lingered for a considerable time. (All the stiff regulations enacted by the Buddha betray only the dubious attitude of which he could not get rid, till the end of his long life.) It was by inches, that women had fought for their religious liberty and only after a prolonged struggle they could gain their cherished objective. In the last chapter we have referred to all events that led to the Buddha's conceding the women's demand and to

his ultimate acknowledgment of their independent limited religious status. But with regard to the political status of women, his views remained positive and unaltered. He thoroughly disliked the idea of the female sex coming in the stress and storm of politics. It was unthinkable for him if a woman could rule a kingdom. According to his injunctions, women were complete misfits for such onerous duties as those of an administrator. Women, if they kept staying in the world, had no other sphere of work but that of the household. In it, they were mistresses and family-children were their only care. As secular women, their only business was to prove themselves as good housewives and affectionate mothers. Not only the Buddha wished undisturbed prosperity and smooth running of the family but it was with definite disfavour also, that he viewed the entrance of women in the public life. Giving reasons for his undisguised attitude towards the female sex, he had clearly observed to Ananda ; " Women are soon angered Ananda, women are full of passion Ananda, women are envious Ananda, women are stupid Ananda. That is the reason Ananda, that is the cause, why women have no place in public assemblies, do not carry on business and do not earn their living by any professions."

This is just like the idea of a Hindu household woman. Anger, passion, envy and stupidity ascribed to women in a sweeping manner are only indicative of the fact that the conception of womanhood was still very low and that reverence attached to it occasionally was merely a lip-homage. The foregoing uncharitable remarks of the Buddha deny all moral stamina in the gentle sex. But on these very grounds he could have refused religious rights also to women. Why he relaxed his positive views of women's incapacity in one case and stiffened them in the other is beyond our comprehension. If women could do well in the religious arena and could prove their worth for the higher spiritual sphere, they could certainly have justified their entrance in the public life as well, had the trust been placed in them. To disallow women to enjoy all social amenities of life was an act of clear injustice towards them. It is no easy task to be always confined to four walls of the household and continue to be domestic drudges, without seeing anything of the outside world. The home-life to which women were condemned was by no means a happy set of affairs. An Indian woman has never known it as a placid stream of unalloyed sweet experiences. On the other hand, it has been since the very dawn of the Aryan civiliza-

tion, an unpleasant phase of her poor existence. Besides the successive and unduly repeated trials of child-birth to which a woman was put, she was subjected to many more miseries in the household life. To her, the husband was like god ; she was to please him and to adore him in every way possible. Especially when she had the misfortune of having a co-wife, her reverence and submission to the lord was to be complete in order to win his favours or to gain at least an affectionate glance from him occasionally. Yet another party to be pleased by her was the husband's parents, brothers and sisters. They not often were her masters under whose commands she was to manage all family affairs. It is a pity that all the so-called relations of the poor creature were interested more in domineering over her than in helpfully guiding and assisting her in duties concerned with domestic matters. That the society had not changed in this respect from what it was in early ages, is borne out by many evidences referred to in these pages. Here we allude to one more passage in which the miserable destiny of womanhood is portrayed in vivid colours. Kisa Gautami the celebrated sister of the Teacher himself, weeps for her sex in the following words :—

“Wretched is woman's lot, hath he declared  
The master and driver of the hearts of men.  
Woman when sharing home with hostile wives.

Woeful when giving birth in bitter pain."<sup>1</sup>

To keep women in perpetual confinement and not to give them any outlet for self-expression in various other important secular affairs was indeed too much for them to bear. To many a lady of advanced families it was simply intolerable. Consequently many discontented women preferred going to nunneries and occupying there a status of honour, to keeping behind in the world and filling in it an unimportant and rather humiliating position. In this manner they even avoided marriage and all the fearful implications of a married life. It is a tragedy that to a very large number of Buddhist women, life ceased to be of any interest—so sick they were of household matters—and that they had to take shelter in asceticism.

Oldeenberg, criticising this peculiar phenomenon in Buddhism, entertains doubts with regard to the Teacher's capacity and necessary equipment to understand the nature of women. His exact observations are "Was it possible for a mind like Buddha, who with severe determination of renunciation had torn himself away from that what is attractive and lovely in this world—was he given the faculty to value woman's nature?" In fact it was impossible for the Buddha to appreciate

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1. Theri. 217.

rightly, the innate propensities of womanhood and to exercise his judgement in the matter with fairness. The bias against the fair sex was there and he could not overcome it without much pressure to be brought upon him. Ananda and Mahapajapati did succeed in bringing this pressure on him and were instrumental in elevating the religious status of women to an enormous degree. But in secular matters there was none to pioneer the cause of poor women before him. The natural consequence of this unjustified silence was that the cause of mundane women suffered heavily. No heed was paid to them by the Buddha and no laws were enacted for improving their political or legal status. The joint family system which was primarily a Hindu institution, continued even in the Buddhist times and a woman filled in it the traditional place of subordination.

The truth is that Gautama was least interested in temporal affairs. To him systems domestic or governmental, did not appeal much. He did not care what general position women, nay even men, occupied in the social or political fabric of the country. This indifference combined with cynical disdain with which he viewed womankind did, to a considerable extent, make the lot of women miserable. The result is that we do not hear

of any conspicuous female figure, filling any important or unimportant place of honour in the administration of state. (In the extensive empire built by the great Buddhist monarch Asoka, we meet with little evidence that any office of significance was ever occupied by a member of the weaker sex;) no doubt there was a large "number" of Bhikhunis entrusted with the noble mission of propagating the doctrine far and wide. In fulfilment of this sacred obligation they travelled to every nook and corner of the globe and mixed with every sort of people, putting away all their sex inferiority. They preached to all men and women and expounded the truth in a manner, worthy of emulation by their male associates. Notwithstanding this eminent religious position occupied by women, the lay-sisters in the world had no respectable status to enjoy. Nothing was done by any law-giver to improve their secular existence and to ensure their general welfare. On the other hand, time and again, they indulged in harsh language and condemned women as incapable of shouldering any serious responsibility. According to their self-invented theories of statecraft, women were light-hearted creatures who could not keep secrets of administration and were therefore unworthy of

being entrusted with any matter of importance. In an answer to Nagasena, the Teacher makes the following observations : -

" There are nine kinds of people, Naga Sena, who let out a secret that has been talked over with them and treasure it not up in their heart,

The lustful, angry or bewildered man

The timid man and he who seeks for gain.

A *woman*, drunkard, eunuch or a child

These nine are fickle, wavering and mean.

When secret things are talked over to them

They straightway become public property."<sup>1</sup>

The explicit meaning of the above is that a woman—a perfectly sane woman is no better than a drunkard or a timid man or even a child. She cannot be entrusted with state-secrets only because she happens to belong to the weaker sex. We can understand that in individual cases, many a woman could fail to discharge her onerous responsibilities satisfactorily, but the wholesale condemnation of womankind is inexplicable and unjustified. For the failings of a few, the incapacitation of the entire womanhood is certainly unreasonable and illogical. Instances are not lacking in the history when men too have ignominiously betrayed their trust on many a critical occasion,

but for their betrayals the entire humanity has not been condemned for eternity. They have filled and are still filling important offices of state without a word of distrust being uttered about them. It is a cruel irony of fate that women—being members of the weaker sex, are unable to raise their voice of protest and undo the wrong that has been done to them by the sterner sex. In the Buddhist society women were all the more weak to have any say in the matter. The religious tendencies of the age diverted all that was the best and the ablest to their fold and the remaining element was too helpless to assert its authority. And thus all went on, as usual, without any betterment of the secular status of women.

It is only occasionally that we meet with references which indicate that in the economic domain they enjoyed some independence. At least the poorer classes had no alternative but to allow their female members to co-operate with men in the cultivation of soil, in reaping of harvest and in other processes of production. We hear also of women who were self-supporting units in the family. They kept their own paddy fields, gathered and parched the seeds of rice and grew cotton and used to spin fine threads and to manufacture their own clothes.<sup>2</sup>

1. Dhamma Com. 113.

2. Jataka—526.

Thus at least in the village economy of the primitive type women contributed, by no means, an insignificant quota of their productive labour to the prosperity of their self-sufficient colonies.

Besides they worked as domestic slaves in families and earned their own livelihood.<sup>1</sup> Their masters treated them sympathetically and often they were set free, if they wished to undertake independent business. For the entrance into the order of almswomen it was made essential by the Buddha that slave-women should have obtained freedom from their lords. In compliance with the wishes of the Teacher the worldly people had no objection in granting women the necessary freedom and allowing them to take to an independent religious life. In fact, the religious independence of women was, to a certain extent, the outcome of their economic activities. The other professions to which women generally repaired, included music and dancing.<sup>2</sup> These were important economic sources on which ladies of noble families ever drew from time to time. The musical instruments mentioned in this connection are flute, lute, tabor and drums<sup>3</sup> on which sweet melodies were produced in professional concerts. Yet

1. Jatakas, 92.

2. *Ibid*, 529.

3. *Mahayagga*, 1-7-2.

another avocation adopted by Buddhist women—which we must not omit to mention—was prostitution. Thus Vimala and Saivama are described as two prostitutes, who wept sorely for their miserable lot, but had no escape from it as their mother also was a mercenary given to infamous deeds.<sup>1</sup> One courtesan, Ambapali, belonging to the same class was however a more fortunate woman. She had had the rare privilege of inviting the great Buddha to her house and entertaining him with dainty dishes. The Teacher had no hesitation in accepting the hospitality of a sinner, in preference to that of Lichchavi princes, who felt annoyed at the strange conduct of the Lord. The reality was that to a cosmopolitan soul like the Buddha, all human beings of whatever descriptions and professions were equally dear and the act of virtue performed by any one was appraised by him for its intrinsic worth. So he sat in the beautiful mango-pleasaunce of Ambapali and there “the Exalted One accepted the gift and after instructing and rousing and inciting and gladdening her (Ambapali) with religious discourses he rose from his seat and departed thence.”<sup>2</sup> Another famous courtesan whose special men-

1. Theri, XXXIV. 2. Mahaparinibban, 16.

tion is made in the *Milindapanha*<sup>1</sup> is Bindumati. The story goes that once the great Asoka had proclaimed in his kingdom: "Is there any one who can turn backward the flow of the mighty Ganges!" None could respond to the call of the monarch except Bindumati who "by meditating on the attributes of the Buddhas that had passed away, and who by making a solemn asseveration of truth, reversed the Ganges." Asked about her miraculous powers so unexpected in a low strumpet she only replied, "Whereas I treat alike a noble, a Brahman, a tradesman and a servant, hence I treasure virtues in me which have stood me now in good stead."

There is another interesting anecdote in the *Jatakas* which makes it abundantly plain, that in secular affairs women could set excellent examples. They followed their husbands like the pious Sita of the yore and shared their virtuous acts without causing any impediment on the way. Once the king Sanjaya was compelled by his subjects Shavis to banish his son—Vishvantara, for he was incorrigibly giving away all the valuables of the state and indulging in extravagant charity. The prince simply exasperated the Shavis when he actually gave away the white elephant—the most pre-

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1. *Milindapanha*, IV—1—48.

ous jewel of the kingdom. Vishvantara in obedience to his father's wishes went to an exile, accompanied as he was by his wife Madri and sons. Now Indra comes to him in the form of a Brahman and asks for his sons in charity. The prince replies to him to wait for a while when Madri, their mother, comes back from her daily business of collecting flowers. The impatient Brahman does not like to tarry, for he observes, "A metaphorical name of womankind is beautiful charmers or Vamas. She might prove a hindrance to the fulfilment of thy promise. Therefore, I do not like staying here." To this, Vishvantara rejoins, "Do not think of that. My wife will not obstruct the fulfilment of my promise. She is in fact the companion of my pious practice. But do as pleases thy Reverence."

All this testimony is enough to vindicate the moral firmness of womankind. If an easy-going woman of royal family can be so highly eulogised for her steadfastness and virtue, there is no reason why women in general be so much distrusted and grudged a place of honour in secular affairs. This injustice was, to some extent, rectified by the Buddha when he acknowledged the status of Vishakha—a lay-woman of repute and

entrusted her with the responsible task of judicial investigation into a disputed matter and also to give her judgment. The Teacher assigning to her this important duty said :—

“ Go forth and hear the Dhamma on both sides and decide which side is right according to the Dhamma.”

That women could act as judges in the Buddhist ages is indeed a matter of some satisfaction. One feels relieved to meet with such ennobling references to womanhood in the forest of apathetic and even antipathetic observations of Buddhist law-givers. Though Vishakha was an exceptional personality, who had by the irresistible strength of her character overcome all prejudices and suspicions lurking in the heart of the Buddha and wrested from him many a special favour, yet we are emphatically of the opinion, that this pious lady was instrumental in immensely elevating the sex to which she belonged. At least the secular status of women would have remained completely neglected, had there been not living in the laity a noble woman like Vishakha.

In the political arena in particular, women had little to gain. Gautama did not feel attracted towards affairs concerning administration or government of the country. It was no matter of consequence to him whether people

had or had not any voice in the shaping of their own destiny. In fact, democracy in the sense we understand it now, was quite an unknown institution in the Buddhist ages. It was monarchy that was the order of the day. Even men could not aspire to high offices of state as these were awarded on principles of hereditary rights and claims. Under a regime like this, women had little chance for realising their ambitions of national service if they ever had any. Especially the legal authorities had decreed with regard to Buddhist women that they were incapable of assuming reins of government. 'A woman will not' thus proceeds a text in the Anguttara, 'become a ruler or an administrator of the country.' The Majjhima also affirms this ordinance by saying,<sup>1</sup> "It is impossible for a woman to be an emperor of the world or a universal monarch."<sup>2</sup>

Bearing in mind, the trend of affairs—religious and secular—in the Buddhist time, we are not the least surprised about the distrustful observations made above. We believe that these observations are made even to-day in the so-called enlightened and advanced twentieth century. To-day, women are not much better in their political status than they were in the past ages.

Towards the close of this brief survey of

1. Anguttara. I pp. 112, 2. Majjhima. III—63.

women's condition under Buddhism, we need only add a few words about the legal aspect of the question. Though the Buddha did not lay down specific rules with regard to women's proprietary or inheritance rights, yet from certain practices, it appears that the legal privileges enjoyed by the fair sex in ancient Hindu ages, were kept intact to a considerable extent. Thus we meet with ample testimony in the canonical literature to the effect that women as wives with their householders had co-equal authority over all property. They could make a gift of anything independently without seeking approval of any second person. As for instance, Vishakha, who owned fabulous riches, distributed a large amount of them in charity among almsmen and women. In this exercise of her legal rights, she felt restricted by no sepe of any iniquitous treatment. Even widows were allowed to inherit property of their husbands and to manage it till the end of their life.<sup>1</sup> Thus a virtuous widow Dhammadina is mentioned to have possessed her husband's vast bequest and utilised it in many a noble endowment.<sup>2</sup> Another woman Bhattachapalani is also described as the sole owner of her property, who on her renunciation handed over her great wealth to her kinsmen.<sup>3</sup> A daughter

1. Dhamma Com. 115.

2. Jataka. 429.

3. Theri XXXV.

also was recognised as a legal entity. She was fully entitled to a share in the patrimony in addition to what she received as mother's legacy. Sometimes she got even all the property of father in preference to mother and brothers. Thus a daughter named Sundari was endowed by her father with all his estate overlooking even the rights of her mother.

All these phenomena only corroborate the view that women under Buddhism had maintained their traditional legal position and that laws of the land had not materially changed in this respect. We therefore conclude by remarking that except in the religious sphere, women in the Buddhist ages had not made any real advancement in any other sphere—social, political or legal.

## APPENDIX

### A NOTE ON A JAINA WOMAN.

Addressing ourselves directly to the question of the religious status of a Jain woman we must answer unequivocally that under Jainism, she had liberty to take to the life of asceticism—though we shall presently show that this liberty of hers was not always, as in the case of her Buddhist sister, an unrestricted one. According to Jaina tenets, any holy man or woman who strictly follows five great vows can become Sadhu or Sadhvi. Such persons have twenty-seven special characteristics.<sup>1</sup>

In the legendary literature of Jainism also, we meet with many illustrious ladies who attained to a very high degree of religious emancipation and at least succeeded in liberating their souls from the grinding wheel of *Karman*. To give only one instance from *Trishashti Shalaka Charitam*—the *Jataka* story-book of the Jainas, we may mention the name of one forsaken ugly maiden known as *Nirnamika* or the nameless who though coming from a very low caste made bold to go to *Yugandhara Rishi* and listen to his discourses. Then we read further that "She became highly disgusted with the world whereupon the knot of her *karman* as impenetrable as an iron ball was broken. She took then and there the five *anuvratas*, commencing with non-injury to beings which form provisions for our journey to the next world."<sup>2</sup>

The number of Sadhvis in the very time of Mahavira had reached a prodigious proportion. It is said in the Jaina texts that after attainment of pure knowledge or *Kevala Jnan* the Lord visited countries after countries in eastern side and conquered each territory by the spread of his divine message. In his life-time he had the proud accomplishment

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1. 'Jainism' by Herbert Warren, pp. 85.

2. *Jataka Stories*, 592—594.

to his credit, to have created a brilliant galaxy of 14,000 Sadhus, 46,000 Sadhvis, 159,000 Shrayakas and 318,000 Shrivikas or devoted lay-women.<sup>1</sup>

Chandana was at the head of the order of female ascetics. She was the virgin daughter of king Dadhivhana of Champa who was either brother or father of Trishala—the mother of the Lord Mahavira himself.<sup>2</sup> This pious woman was instrumental in bringing to the fold of her religion not less than 20,000 disciples - male and female. She had had initiation or ordination to the holy church directly from the Teacher and imbued with his missionary zeal and spirit, she succeeded in shaking off the inferiority complex attributed to womanhood and worked miracles in the sphere of religion.

In the sacred books of Jainism, there are many more accounts though somewhat exaggerated which give us a vivid idea of what achievements women had gained for themselves and of how deeply the faith had penetrated their sex. Thus in the Kalpa Sutta we read that the noble almswoman Pushpachula with 38,000 other female disciples of Lord Parashvanath attained to the superior rank of Sadhvis and as many as 326,000 Shrivikas or laywomen also with Sumana at their head reached the same status. Besides mention is made of 20,000 nuns who by the complete annihilation of their Karman obtained even the supreme state of liberation—whereas only 1,000 male ascetics in the same time were entitled to that exalted position.<sup>3</sup> Again in the same scripture we meet with the soul-stirring narrative of Arhat Arishtanemi under whose inspiration 332,000 lay women adopted the vow of renunciation and approximately 3,000 female ascetics realised the goal of emancipation. It was during this time that pious women like Maha Suvrata, Arya Pakshini and Rajimati came forward in the field and propagated the gospel of divine Law. The last named lady is mentioned to have even converted her royal husband to the faith and made him a devoted disciple of Nemi Prabhu.

All these interesting data are sufficient to

1. Chicago Prashnottari, pp. 176.

2. *Ibid.* pp. 175.

3. *Kalpa Sutta*, VII.

fortify us in the belief that the religious status of a Jaina woman was comparatively much more respectable than that of her Buddhist sister. Further we are convinced of the fact that the Jaina sect really meant what it enjoined and its reverential references to womanhood were expressions of sanguine hopefulness of its great and bright future. The tenets of Shvetambara sect at least are characterised with a commendable spirit of sincerity and catholicity. They do not deny women any spiritual height which they as female ascetics can aspire to and reach by independent efforts. According to these Shvetambara doctrines, women are placed on an equal footing with men, so far the pursuit and achievement of religious ideals are concerned.) No special efficiency bars have been placed in the way of women and no particular religious fruit has been proclaimed as forbidden for them. A senior enlightened lady was accorded perfect liberty to endeavour for the highest spiritual attainment and to practise severest austerities for the realization of that happy consummation. (Besides being Sadhvis and Upadhyas women have the freedom to mount the next higher stage of development—that of an Acharya.) Even the last two—that of an Arhata and a Siddha—of the five stages are not denied to them. It is quite possible for women to become a Siddha,<sup>1</sup> if they put in requisite amount of sacrifices penances and austerities of the severest kind: This idea is explicitly given vent to, by Shakatayanacharya—a Shvetambara preceptor in a nice little aphorism reading “Asti Strinirvanam Pumvata” that is, like men women also have the right to attain perfection or perfect liberation of the highest order.

However, actually it is recorded, that there were very few women who had strength of mind and body adequate to study the faith or endure the hard life of an ascetic.) It is further laid down in the texts that only 10 neuters and 20 women attained perfection whereas nearly 108 males succeeded in realising this exalted status. (The reason given to explain this

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1. Heart of Jainism by Mrs. Stevenson, pp. 170.

peculiar phenomenon is that men are physically more fit than women for undertaking a course of self-mortification and self-effacement.) The cruel process of voluntary privations, afflictions and hardships proves too heavy for fragile creatures like women, many of whom often fail in the middle.) This is why spiritually as well, they lag behind their brother ascetics and do not generally reach the height which the latter do. This very reason explains the fact that of all the twenty-four Tirthankaras who attained Siddhaship or perfect Nirvana—none is a female. With regard to the nineteenth Tirthankara only, it is observed that owing to deceitfulness in a previous life he was born as a woman and then by doing twenty things that make a Tirthankara he was born a Tirthankara with many feminine characteristics.

But so far as the preparatory period of the monastic life was concerned, women were not denied any particular privilege enjoyed by men. Female ascetics were exactly like male ascetics. In the Acharanga Sutra<sup>1</sup> we read certain uniform rules for monks and nuns with regard to "begging of food, begging for a couch, begging of clothes, begging of bowl, walking, modes of speech and regulation of procession." Nuns get their hair shaved or pulled out just like monks. They also wander homeless, only the aged nuns live in convents.) They beg once and eat also only once. They sleep little and pray twice in the night. They have their own Apasara Mantra whispered to them by a Sadhvi instead of a Sadhu. A dead Sadhvi is carried with great pomp for her funeral and childless laywomen yearn to have a piece of her cloth in order to be blessed with a child.)

Yet in the religious order women have their own marks of inferiority. As in the Buddhist canons, so in the Jaina Sutras there are clear indications that in the matter of general status female ascetics were looked upon as subordinate to men. In the fifth chapter of the Kalpa Sutta it is unequivocally laid down that a junior male ascetic should bow down before a senior one and

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1. Acharanga Sutta II.

a female ascetic even of one hundred years standing should bow down before a male ascetic though just initiated. Arguing for this queer procedure, it is further laid down that in the matter of religion, predominance is vested in man. Man is always senior to woman. Therefore a man should never bow down before a woman, for womankind is a low and mean creation. (By many a Jaina writer, woman is compared to Maya—given to cheating, fraud, treachery and other artifices of an abominable type. She is held more as an obstacle than a helpful associate to a man in the achievement of his religious ideals. Even as an ascetic she is believed to be surrounded by many impregnable limitations.) Her ascent to the religious height must therefore be only limited. (This very logic has led the orthodox sect of Digambaras to lay down in a more positive form a rule that there is no Nirvana for women.) According to the illiberal injunctions of this school of thought, women are held as capable of mounting only upto the fifth stage out of the fourteen steps to complete liberation. (The rival school of Shvetambaras, however, gives an allowance of three more steps and goes to the extent of declaring that in rare cases women can reach even the Siddhaship.) The reason for the ungenerous and parsimonious attitude of the Digambara sect is not very far to seek. The great schism in the Jaina community took place according to Dr. Hoernle, in about 72 A. D. According to Shvetambaras, it took place in 142 A. D. The Shvetambaras also declare that the opposition sect was founded only in a fit of temper. In this connection they tell an interesting but doubtful anecdote of one Shivabhuti—an ascetic who lived in the time of Rathavirapura king. Shivabhuti was very fond of blankets. The king, knowing this presented to him a very fine blanket as a farewell token on the latter's departure to his Guru. On reaching the hermitage he was advised by the preceptor to part with the gift as its possession was in contravention to the ascetic's vow of *Aparigraha*. Shivabhuti, however, showed his disinclination to act accordingly. The Guru, perceiving as to how much his disciple was attracted to a petty

object, in order to save him from the snare, tore the blanket in his absence. Shivabhuti was indignant ~~at~~ this treatment and he swore then and there that either he would have the same blanket or no cloth at all. As the restoration of the same blanket was impossible he turned to the second alternative and wandered stark naked and founded a sect of his own, the fundamental plan of which was perfect nudity or clothlessness.

The first two disciples who got immediately initiated in the new creed were Kaundinya and Kartavira. The ranks of naked Sadhus went on swelling and in course of time the crude doctrine of nudity assumed the acknowledged form of an independent faith.

The crucial point in the development of the new faith reached when women also applied for permission to enter it. Uttara, the sister of Shivabhuti himself, was the first to raise the question. The solution was very difficult. How could the Teacher allow women to go naked? It was an impossible conception. Shivabhuti, therefore, refused admission and declared; "No woman could attain *Moksha* without rebirth as a man."

Thus the illiberal injunction of the Digambaras gets quite understandable to us. Woman being a low creature is incapable of rising high to the status of a liberated soul. She is condemned for ever in her sex. Unless she by severe penances obtains the superior male sex, there is no salvation for her. The five main differentiations between the two rival sects of the Jainas—as summarised by Mrs. Stevenson leave us in no doubt about the only possible and inevitable attitude of Digambaras towards womanhood. Firstly, according to their dicta, all Tirthankaras must be represented as nudes and unadorned, with downcast eyes. Secondly, women cannot obtain complete emancipation. Thirdly, Lord Mahavira never married. Fourthly, a saint having attained *kevaljanan* can live without food. Finally, the point of difference on which the great schism occurred emphasises the view that ascetics must always be nude. Clearly this ethical code of Digambaras excludes women out of its pale and allows only men to follow the doctrine of Tirthankaras.

Nevertheless, we are prepared to concede that in the initial stages, both the sects equally encouraged women to take to religious life and practise austerities for ennobling their souls. (Unlike the Buddhist church, they expressed their fullest faith in the capacity and worth of womanhood—though with regard to its ultimate destiny, one of the sects faltered) and showed diffidence quite natural for any orthodox school of thought.

Now, turning from the above to consider the attitude of the Jaina texts towards the secular position of women, we find that the situation was almost the same as in the preceding Hindu ages. In the household affairs, a Jaina laywoman had not made any material advancement with regard to her general social status. She continued as before a household drudge confining her activities mainly within the four walls of her home. There her only function was to look after her children and to supervise all matters of domestic concern. A few texts have enjoined on a Jaina woman to prostrate herself daily at her husband's feet and worship him. She is required also to prepare meals for him and to massage him when he comes tired."

In the Uttaradhyana Sutra<sup>1</sup> the venerable Mahavira has declared that woman is one of twenty-two troubles which a monk should learn and know, bear and conquer in order not to be vanquished by them, when he lives the life of a wandering mendicant. Elsewhere in the same text women are compared to female demons whose company should always be avoided by a Nigrantha.<sup>2</sup> As regards the character of woman it is observed:

"One man, women have in their heart—another in their words and another still in their action. Therefore a monk should not trust women knowing that they are full of deceit. For even men of great intelligence who perform their duties as supporters of women get into their power, though, they be well-acquainted with the Sriveda."<sup>3</sup>

Besides the idea of woman's inequality with man, is subscribed to, by many a Jaina law-giver, especially

1. Uttaradhyana Sutra, II. 2. Ibid, IV. 3. Ibid, Sutra, IV—20.

the leading Tirthankaras themselves.) Not only in the religious field woman is said to bear the burden of her own inferiority but even in secular spheres she is recognised as a much junior creature to man. It has been clearly noticed above that in the Jaina scripture the male always had the precedence and the female falls short and is inferior in rank. In the primitive Christianity man was held as the image and glory of God and woman as only the glory of man. Almost the same idea permeates the entire Indian literature beginning with the Vedas and culminating in the heterodox Buddhist and Jain Sutras. The position of subordination accorded to womanhood in the Indian literature is the outcome of fearful disbelief entertained by ancient Aryans with regard to the female capacities and potentialities. The Jaina Teachers also could not escape the traditional dogmas of woman's inferiority and they too had occasionally to give vent to sentiments of the same type. Thus for instance, Rishabha Deva, the most venerable Tirthankara of the Jainas is said to have taught men 72 arts and women only 64, for these have only to be skilled in domestic and not in literary and industrial crafts.<sup>1</sup>

The reader, however, will be mistaken if he interprets the foregoing remarks as indicating the irredeemably deplorable state of women in ancient India. The real truth is that sweeping generalization about any phenomenon in the world is always misleading and mischievous. Therefore, we are not prepared to hazard any definite verdict about the general status of a Jaina woman. With all the deprecatory observations recorded above, we only too readily invite the attention of our reader to the description of many a noble lady, whose fame is sung most appropriately in the Jaina texts. Thus Sulasa is considered the highest type of the purely domestic women known also as Sati or a virtuous woman about whom the following song is chanted every morning up to the present day :

" Sulasa was a really faithful wife, there was no sham about her. She found no pleasures in worldly

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1. " The Heart of Jainism ", pp. 51.

delights. If we saw her face, sins would flee away. If we mention her name our minds are filled with joy." Another pious woman was Revati—typical of generous women who gave away all to almsmen and rendered their lives as patterns to be imitated by others. Once Lord Mahavira was ill—being injured through the magic fire thrown at him by the faithless Goshala. He was offered by Revati, a jam which only could and did cure him. Since then her name has been a synonym for hospitality.

These instances will suffice to afford us a general idea as to what secular position Jaina women could occupy in the household and in the world at large. Inspite of traditional practices of early marriage and widowhood naturally persisting in the Jaina community, the granting of religious independence to women had very healthy repercussions on their social status. Thus they commanded voice in their family affairs and wielded uncommon influence in the shaping of their children's destiny. Moreover they enjoyed many legal rights of inheritance and possession of 'property and had ample opportunity of managing their domestic business independently.

Here in this connection we may mention only a few salient points of the Jaina law, throwing some lurid light on the legal status of women. Of the three most important legal documents of Jainas, i. e. Arhan-niti, Vardhamana-nili and Bhadrabahu Samhita—the last is the most authoritative law-book, occupying a position almost analogous to the Mitaksbara in the Hindu Law. A casual glance at the Samhita will bring home to the reader the fact, that its dicta run also parallel to those of Yajnavalkya and Vijnaneshvara. In many respects they are even identical—thus giving rise to a pertinent view that they are mere copies of the latter and that the Jainas have no separate law of their own. However, we are not concerned with the controversial question whether Jainas have or have not their independent system of Jurisprudence. All that we need in the conclusion of the present note is to draw the pointed attention of the reader to a few relevant facts—relating to the legal status of a Jaina woman.

To be brief, in all important juristic acts a Jaina

woman is the necessary co-actor with her husband. For instance, in the matter of adoption, her powers are co-extensive with those of the husband alive or dead.<sup>1</sup> She had her *stridhan* of five kinds, i. e. *Adhyagnikrita* or that which is given at the time of marriage in the presence of nuptial fire, *Adhyahavanika* or that which the girl brings from her father's house, *Pritidana* or that which is given affectionately by the girl's father-in-law or mother-in-law, *Audayika* that which is received by the married girl from the parents, brothers or husband and lastly *Anyadheya* or that which is given at the time of marriage ceremony as gold, jewels, clothes, etc. to the girl by her own or her husband's women relatives.<sup>2</sup> These five kinds of women's property are not to be taken by any one except in time of famine, acute distress or for religious purposes.<sup>3</sup>

As a daughter also, a Jaina woman enjoyed ample proprietary rights. If a man had only a daughter and other male issue was non-existent, that daughter became the sole owner of the wealth of her father.<sup>4</sup> For the daughter like a son was as one's own self. The mother's property also went to the daughter whether she was married or unmarried. In the event of her father's death, daughter as a uterine sister of her brothers was entitled to a fourth part of the share of each brother.<sup>5</sup> The share of a married daughter, however, in the property of the father in the presence of her brothers was nothing. Whatever the father gave her at the time of marriage, that only belonged to her.<sup>6</sup> The Jaina law is more liberal with regard to the status of a widow than the Hindu Law. The former confers absolute estate on a Jaina widow. According to the *Vardhaman Niti*, "If the lady is good, she shall become the owner of all the property of her deceased husband; and whether *there is a son or not* she shall have full powers like her husband."<sup>7</sup> Again "For her own maintenance as well as for making expenditure towards religious purposes and for the purposes of her community, a widow has power to spend her husband's wealth and also to sell his property."<sup>8</sup>

1. Bhadrabahu Samhita, 41-43.

2. *Ibid*, 83-87.

3. *Ibid* 88. 4. *Ibid*, 22.

5. Bhadrabahu Samhita, 17.

6. *Ibid*, 18.

7. Vardhaman-niti, 14.

8. *Ibid*, 24.

The great divergence between the Hindu and the Jaina Law lies in the point that according to the *Mitakshara*,<sup>1</sup> it is the son who is the direct heir to his deceased father in preference to his widowed mother, whereas in the Jaina Law it is the widow who has a claim of priority over the son. The *Arhan Niti* makes the point still more clear by declaring that on the death of husband his wife succeeds to his estate, in the absence of his wife, his son.<sup>2</sup> The same view-point is stressed by the *Bhadrabahu Samhita* in an unmistakable manner. It says : "A lady of good family senior and capable of looking after the family, whether there is a son or not, has full power like her husband."<sup>3</sup> And further it enjoins that preserving the husband's bed, protecting the family and fixed in her religion, she should instal her son in the place of her husband.<sup>4</sup>

All these Jaina law-books cited, put it beyond doubt, that a Jaina widow has an absolute and unrestricted power of enjoyment and disposition of her husband's property. Indeed there are also clear suggestions of giving a widow as an heir, a preferential position even to that of son. Thus the law of succession as expounded by the *Mitakshara* School undergoes material alteration in the hands of Jaina law-givers. From the above it also is abundantly plain that not only a childless widow but even a widow with sons has absolute rights over the property of her deceased lord and master. She can enjoy, alienate or make a gift of it according to her own will—though in the case of having a son she is naturally to restrict her freedom and to instal him in her place in due course of time. However in general, if a widow was separate, she could according to her own desire, spend her own property ; neither her *Dayadas* or heirs, near or remote, nor any one else had power to prevent her from doing so.<sup>5</sup> Even in the case of partition when her son or sons reached majority, the widow as a mother was entitled to an equal share with her sons. She was entitled also to a larger share for meeting ordinary social expenses (*Vyavahararth*) of the family.

1. *Mitakshara*, II—135—7.

2. *Arhan-niti*—73.

3. *Bhadra*—53

4. *Ibid*, 66.

5. *Arhan-niti*, 124.

Thus, considering the conception of a woman's position under the Hindu Law, we can unhesitatingly say that the lot of a Jaina woman, especially a widow was much happier one. The cause for this peculiar phenomenon is not very far to seek. The soul of the law of Hindu inheritance is the *pindadana* or offering of oblations by sons to their manes. Son, therefore, is the most important legal entity in the Hindu Jurisprudence. According to Hindu mythology, it is believed that everyone is born burdened with a debt to the manes which is discharged only by the birth of a son; hence the unlimited jubilation on the birth of the first son,<sup>1</sup> for the world of men is conquered only by a son and not by any other work. So in all Hindu law books, son has been accorded a prior position to his widowed mother. In fact, male descendants have been treated with greater favour than female ones throughout the legal literature of the Hindus. Only in the *Mitakshara*, as we have shown already, some latitude has been expressed about women especially with regard to their separate property.

In the Jaina Law, on the other hand, Bhadrabahu is surprised at the Hindu doctrine of spiritual and mundane indispensability of the son. He wonders why men by having sons become religiously meritorious, and by being sonless sinful. He argues that in this world many men with sons are seen in low position and begging for grains and sonless Tirthankaras (the Jaina men-gods) are found to attain the five great acquisitions; their lotus feet are adorable by the gods of gods and they are possessed of insight into the three worlds.<sup>2</sup> This knocks away the spiritual basis upon which the high position of the first son rests in the Hindu theory. Thus the first son, as such has no exclusive or first right of succession in the Jaina Law. This is why a Jaina widow is acknowledged even as a preferential heir to her own son and is given the absolute right of ownership on the property left by her deceased husband.<sup>1</sup> All this is in glaring contrast to

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1. *Taitareya Samhita*, VI-3, 10, 5. 2. *Bhadra*, 7-9.

the phenomenon of limited estate which a Hindu widow is supposed to inherit according to laws laid down by the Hindu law-givers.

In the end, we need only add a word of appreciation of many Jaina Gurus and writers who did pioneer work in the uplifting of the religious and legal status of women, who in the preceding ages of the Hindu Sutras had sunk very low in the estimation of the world. Though it appears to be a fact that so far as the social position of women was concerned, no material change occurred in the Jaina ages—yet we feel fortified in the belief that a yeoman's service was rendered by Jaina Acharyas towards the suffering half of humanity by declaring open to it, all portals of the supreme spiritual domain and admitting it equally with the other half to the religious order for asceticism. In the sphere of law as well, they made definite contribution to the amelioration of the intolerable lot of bereaved widows who must have found some solace in precepts of the new faith which gave them, to a certain extent, a place of honour and self-respect.

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